

TREATISE
OF THE
OATH
OF
SUPREMACY!

THE ARTIST

ON THE

SUPREMACY.

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T H E
Words of the Oath.

I A.B. do utterly testifie and declare in my conscience, that the Kings Majesty is the only Supream Governor of this Realm, and of all other His Highnesses Dominions and Countries, as well in all Spiritual or Ecclesiastical things or causes, as Temporal: And that no Forreign Prince, Person, Prelate, State, or Potentate hath or ought to have any Jurisdiction, Power, Superiority, Pre-eminence, or Authority Ecclesiastical or Spiritual within this Realm: And therefore I do utterly renounce and forsake all Forreign Jurisdctions, Powers, Superiorities and Authorities: And do promise, that from henceforth I shall bear Faith & true Allegiance to the Kings Highness, His Heirs and lawful Successors, and to my power shall assist and defend all Jurisdctions, Priviledges, Pre-eminencies and Authorities granted or belonging to the Kings Highness, His Heirs and Successors, or united and annexed to the Imperial Crown of this Realm: So help me God, and by the Contents of this Book.





Introduction.

1. **T**He *Oath* of *Supremacy* has long been thought, by the generality of *Catholicks*, Inconsistent with Faith, both for what it affirms of the *King*, and denies of the *Pope*. And truly, who considers only the Words, as they ly naked there, without seeking to inform himself what they mean of any thing but the bare sounds, has reason at first sight to check at it. I am apt to believe that every body does not look farther; at least I my self did not a great while, and therefore thought of it as others did.

2. Yet it seemed strange, that the most Learned of the Church of *England*, should freely take it without scruple; and at the same time Irreprehensibly affirm, both of the *Kings* Power and the *Popes*, what *Catholicks* therefore refuse the *Oath*, because they think it denies. I perceived they must of necessity understand it otherwise than We did. For to suspect, that either of us proceed otherwise than according to our conscience, They in Taking, and VVe in Refusing, is not either for a Charitable, or Reasonable Man. I would not handsomly unridle, when a mistake there must needs be on one side, how the mistake should ly on theirs, or which way they should misunderstand an *Oath* of their own making. In short, I knew not what to make of it; and while I had no Key to the Lock, but the bare words, could not easily open it. For still those words seemed Irreconcilable to

Truth, and to that Truth which they profess, as well as that which I believe.

3. Upon farther search, things appeared something otherwise. I found, that what those Learned Men mean when they swear, and which they think the VVords of the *Oath* mean, is not only sutable to what they believe themselves, but likewise to what we believe; and I found there is more Reason, than I imagined, to believe that the words of the *Oath* do indeed mean, as they judge they do, and not as VVe thought. VVhat occurs to me, I thought a seasonable Charity to communicate to others, lest by seeking to avoyd one Error we fall into many.

4. For, as we are on the one side obliged to prefer a good Conscience before all Worldly respects, so we are obliged on the other, to obey our Sovereign and his Laws, where with a good conscience we can. No Man can justify the refusal of an *Oath*, tendred by Lawful Authority, without a sufficient Reason. The Reason why we have refused this *Oath*, is, because we apprehended it Inconsistent with Faith. And that is undoubtedly a sufficient Reason, if the apprehension be true; but if it be not, we are left in the Lurch. If the *Oath*, as some think, do not renounce the *Faith* of all *Catholicks*, but only the *Opinions* of some, and those both false and pernicious, to refuse it, is not to preserve, but to scandalize our *Faith*, with the imputation of obliging us to things, by the Wisdom of the Nation, judg'd Intolerable. It is to confirm the bad opinion which some have of us, that our Religion is indeed Inconsistent with the security of the Commonwealth. In a word, what we took for Religion, would prove Faction.

5. Before I speak of the *Oath* it self, it will be convenient to observe, that divers priviledges have at
divers

divers times, been granted, by the Piety of Princes, to the Church, and Church-Men, which being long used, and their origin either forgotten or dissembled, have at length been commonly enough lookt upon and claim'd as the proper and inherent Right of the Church. Among these is the right of holding Judiciary Pleas and Courts, proceeding like Secular Courts to Sentence, even of Temporal and Corporal Punishments, as Fines, Imprisonment, &c. and Executing their Sentences by their own Officers, unless in case of Death; for which, whether for Form or Substance, the *Præbium Seculare*, was usually call'd upon. These Courts were settled by little and little, and their Power was sometimes more, sometimes less; which variety remains to this day, as the Secular Power in several Nations concurs, more or less with them. But it became at last the general Practise, that Ecclesiastical Persons should appear only in these Courts for all causes; and the Laity for some, chiefly such as had relation to the Law of God. The Judges there, being either Ecclesiastical Men themselves, or acting by Commission from them, the Courts got the Name of Ecclesiastical or Spiritual Courts; the matters determinable in them, of Ecclesiastical or Spiritual matters, or causes; and their Power of Ecclesiastical or Spiritual Power. But 6. When things had gone thus Time out of mind, and People saw them constantly act, not by renewed Commissions, as Subordinate Officers use to do, but by a Right of their own, a Right charily preserved by them, and freely confest by every body els, as undoubtedly it was, both by a good Title at first, and a quiet possession of many Hundred Years; it came to be thought at last, that this Right of theirs was given them with their Character by God; whereas in Truth it proceeded from the condescendence of Pious Men; and, as all Humane things are

are subject to change, may, by the same Power which gave it, on just occasion be taken away.

7. In the mean time the Notion of *Spiritual*, when applyed in the *Law to Power, Judge, Court, Master, Cause, or Thing* has generally relation to these External Courts. The word is ordinarily taken so in our common Language, but *there* seldome otherwise, and when we find it in the *Law*, we must expect it should signify as it uses to do in the *Law*, not as it does in Philosophy, or Controversy, or Ascetics. It is so well known, that I know not whether it be not idle to mention the different Significations which the same words have in different Occasions. For example, who thinks of the Theological virtue, when he is to swear *Faith* to his Prince? who of a Stone or Tree, when he hears of a *Body*, not in Philosophy but Physick? and when a Man of business is talking of a *Material* action or consideration, He would be thought strangely to rove, who should fancy *Material* there signified as among Metaphysicians. The frequency of such cases made it necessary, that People might understand one another, to settle a Rule for the understanding of words, and establish this maxime, that they be alwayes understood *Secundum subjectam Materiam* as they phrase it, according to the subject of which they speak. I cannot tell, whether this Rule have alwayes been remembred in the case of this *Oath*: but doubt that who forgets it any where, hazards to perplex himself into inextricable confusion.



Section I.

Of the Affirmative Clause of the

O A T H.

1. **T**His premised, I come to the *Oath*, which consists Principally of two Clauses; One *Affirmative*, the other *Negative*; according to which, the rest which have any shew of difficulty, are to be understood. The *Affirmative* acknowledges the King to be *the only Supreme Governour of this Realm, and the rest of his dominions, as well in all Spiritual or Ecclesiastical things or causes; as Temporal.* By this clause it was apprehended, not only by *Catholicks*, but others too, that the King was invested with Power to do all that a Supreme purely Spiritual Governour could do, *Preach, Confer Orders, Administer the Sacraments, &c.* Which as 'tis evidently false, so 'tis evident likewise, that 'tis not the meaning of the Clause.

2. For, *First*, the *Oath* being enjoined by Law, for the acknowledgment of what was re-settled by Law in the King, it's words must bear the sense they use to do, in Law-Language, and Law-Books, which according to what has been said before, is, that the King is Supreme Governour of this Realm; So that who ever hath any
share

share in the Government of it, be he Spiritual or Temporal Man, hath it from and under the King.

3. *Secondly*, These words being in two Acts of Parliament, whose declared sense is, to restore what was due to the Crown, ought so to be understood as to acknowledge, *all* and *no more* in the King, then those two Acts, either in themselves, or in those of King *Henry the Eighth* revived by them, restored to him: since no more at most, and perchance not all of them, are ordered to the making, and consequently sense, of this *Oath*. Now, what was restored by these, every diligent Reader of them, will find to be only what may, without injury to Gods Law, be possess'd by the King.

4. For to begin, with King *Henry the Eighth*, in the first of them, *viz. Stat. 23. H. 8. C. 9.* He only claims, or exercises the Power of ordering, where citations belonging to Spiritual Courts of this Realm shall be made, which may be seen to be evidently his due. In the Second (24 K. H. 8th. C. 12.) he takes Power, only to order that no appeals in matters of *Wills, Marriages, Divorces, Tithes, Oblations, and Obventions*, shall be made out of this Realm; alleading for reason, that as to the Temporal part of them, they belong to the Imperial Crown, and, as to what in them may concern the Law of God, to the Clergy of this Realm, as being of parts fit for it; to whom he expressly leaves this part, not assuming it to himself.

5. In the 3d. (*Stat. 25. C. 20.*) He uses the Power to restrain the payment of Annats, and first-Fruits to *Rome*, (to which Temporal Power extends) and with his Bishops in Parliament, orders how others are to be elected, and consecrated by them; which *Catholick* Kings use to do.

6. In the 4th. (25. C. 9.) The Power which he exercises

ses is, that no new Canon-Laws shall be made, or old ones stand, without his approbation. Which he may have as a *Knowing Man*; they being things of human institution; nay, as a *Prince*, he ought to have, since 'tis known, that Canon Laws do often clash with the Laws of the Realm. Though, if he abuses this Power, by hindering good Laws, and unprejudicial to the State, He is to answer for that; though to God alone.

7. In the *5th.* (25. K.H. c. 21.) He takes Power to hinder Paying of Money to *Rome*; to hinder the *Pope* from Dispensing in Human Spiritual Laws: to dispense in them Himself by his Bishops; and with his Parliament to annul them. All which, certainly he may do as King. And that he intended here to do no more than he might do, appears by a *Proviso* of this Act, revived by Q. E. and afterwards to be Cited.

8. In the *6th.* (26. C. 14.) He only assigns Suffragans by consent of Bishops in Parliament: Which Assignment is a thing of Human Institution; and as it depends on the Law of the Land, may proceed from him. And, if it be said by any, That, since Christ gave his Apostles Power to Preach where they should please, and think fit, and so, that they have from Christ Power independent of any Law of the Land, (as in times of Heathen Emperors) to agree among themselves, what Territories every one shall have to do his Duty in; which the King cannot take from them, as he may seem here to do: 'Tis reply'd, That They may agree among themselves, to have what Territories the Law or King shall assign them. And thus, at least, the King may without Injury, (because with their Consents) assign them Diocess's, as well as the Legislators in *England*, and in Forreign Countries, divide one Parish into two, or compound two into one, as occasion invites; without the least Danger apprehended

did of violating Faith; or (to speak more properly) transgressing any Divine Institution. And that it was done with their Consents, is evident; because here They did agree to it in Parliament: Or it may be said, That They themselves in Parliament did this. And the Lairy agreed with them, to make it the Law of the Land.

9. In the 7th. (28. C. 16.) He takes Power to give those Temporal Gifts, which the *Pope* formerly gave; to put Bishops into their Bishopricks, Curates into their Cures, (as *Catholick* Princes now do) and to give them leave to do their Duties, not as to the purely Spiritual, Intrinsic Power in common; but as to some Circumstances belonging to the Exercise of it, and commodious for the Subject: So as they should have it from Parliaments, and not from *Rome*. Which he might lawfully do, as is just now explicated, and also make a Law they should not have it from *Rome*, it being not necessary They should; They having Power from Christ to Preach every where, till they limited their Territories by their own Consent; and here dissent from doing it at the *Pope's* Pleasure.

10. In the 8th. He takes Power to make a Civil Law, as to Degrees of Marriages. And, if as he did this, he judg'd what was of Faith in the Case; he did it not, as sent by Christ, but, as a Schollar Authoriz'd by Law, which he may also do; or, as pre-inform'd by his Bishops.

11. In the 9th. and last, He only makes a Civil Order concerning the Marriage of Doctors of the Civil Law.

12. The Title of Q. E's. first Act (made 1. El. c. 1.) being an Act restoring to the Crown the Antient Jurisdiction over the State Ecclesiastical and Spiritual, and abolishing all Foreign Power repugnant to the same: evidently denotes, that what she took, was in *Catholick* Times due to the Crown; And Possess'd by Gift or Usurpation from

at, till she took it back. For she could not call what might be due, only since the 22th. Year of her Father's Reign, *Antient Jurisdiction*. And since purely Spiritual Jurisdiction was not then in the Crown, it could not be in her Time restored to it. The Preamble also speaks of K. H. 8's. restoring *Antient* (to wit, in respect of his Times) *Jurisdctions of Right belonging*, &c. which could be only those of *Catholick Times*. More-over, By this Preamble (which contains the Design of the whole Act) praising K. H. 8th. for taking away from the Pope what Power he had Usurped, and restoring it to the Crown; dispraising Queen Mary, for un-doing what he had done in this, and desiring a Remedy; nor that Things be brought into the state, in which K. H. put them; as also by this Acts reviving the afore-said Nine Statutes, it seems evident, that this Act intended to give the Queen no more, than the Revived Acts gave *him*; giving her here in general Words, (and the same is to be said of taking away from the Pope) and at once, what those several Acts gave by parts. Now, that they gave *him* only Natural, Temporal, Earthly, or Civil Power, and not any Super-natural, derived from the Keys of the Kingdom of Heaven; we have seen by numbring up all Particulars given, and finding ever one of them to be but Temporal; and we may also find, by reflecting, that he declares in the Preamble to the Second of them, That he intended to do more fully, what several *Catholick Kings* had done in part. And this is clearly confirm'd, by seeing in particular, what it was, which this Act, when it comes to Establish, doth Establish in her: For we see the Particulars mentioned are only, *Power for the Visitation of the Ecclesiastick State and Persons*, (to wit, to the end, that she might know their faults), and for the *Punishment of all such Faults*. And as for giving spi-

ritual or Ecclesiastical Power, 'tis already seen, to be in our Law-Books, but Human.

12. Presently after this, the Act tells us; That the End design'd to be brought about by the Oath, is the Maintenance of the Act, or the acknowledging what is in it Eftablished. And hence, except we are so unreasonable, as to think, that the Oath was design'd for the Maintenance of this, and some thing else, not spoken of; and for want of its Knowledg that way, not to be maintained or acknowledged, (since no Man can maintain or acknowledg a Position he doth not know of) we must say, That the Words of the Oath signify nothing at all more in the King, than the Acts give him. Since then 'tis by the Consideration of all Particulars given, evident, that the Act, neither by its self, nor by the Acts reviv'd in it, gives the King any Power, as from Christ, to preach Christ's Doctrine, perswade People, and help them, by giving them the Sacraments, to practise those Parts of it: 'Tis also evident, that the Words of the Oath signify no such thing in him.

13. It only remains, to see whether the one other Act, made (5.E. cap. 1.) concerning this Matter and Oath, gives her any more than this former. What represents it self first to our View, is its Title, which runs thus: *An Act for the Assurance of the Queens Majesties Royal Power over all States and Subjects within her Dominions.* Now that [Royal] is no more than Human, every Body that understands both these Words, knows. Next, comes the Act it self in all its Particulars, doing what the Title speaks, and no more. For, first; For Conservation of the Queen, and the Dignities of the Crown; and to avoid several Mischiefs proceeding from the usurped Jurisdiction of the See of Rome; it makes the Maintaining of this, *Premunire* and *Treason*; and to hinder the Maintenance

tenance of this, because it did those Human Mischiefs, for those Human Good's sake, What is it else but assuring her Royall Power? *Secondly*, It makes a Law, that the Sense which the Queens Admonition gives the Oath, shall be its Sense. And that this gives her only a *Regal* Power, we shall hereafter clearly see. *Thirdly*, and (as to our purpose) Lastly, It makes a *Proviso*, to exempt the Temporal Lords from this Oath, and any thing contain'd in this Act. And why doth it do this? It sayes expressly; Because her Majesty was otherwise assured of their *Faith and Allegiance*. Which would have been no good Reason, in case she had required more than Faith and Allegiance to be given her: For though she had been assured of these, yet for the Assurance of that other thing, which she requires to be given her, she might have caus'd them to take the Oath, and not have exempted them from it.

14. *Thirdly*, Our Assertion may be confirmed, by considering that the Oath sayes not, barely, That she is the *Supreme Governour in all Causes Spiritual and Ecclesiastical*; where *Supreme Governour* might possibly be in Sense the same as *Supreme Preacher*: but expressly, that she is the *Supreme Governour of the Realm* in all such causes. And since *Supreme Governour of a Realm* is in common, and indeed all speech, the same exactly as *Temporal Governour*; the Oath only sayes, That she is the *Supreme Temporal Governour in all Spiritual Things*: Which it would be Treason to deny her, not only in all those Spiritual and Ecclesiastical Things, of which only we have shew'd the Oath to speak in the Common Sense of those Words, as they are us'd in Law: But also, in the most Spiritual Thing that can be imagin'd; as in the *Faith* of the Trinity, Incarnation, and the like. For she is by her Office, the Temporal Rewarder of this Vertue, and Punish

Promiser of its contrary Vice; which is to be a Temporal Governour, as to this Vertue and Vice. I shew to
 and 157. *Fourthly*. Because she sayes expressly in her *Agma-
 nation* (in which she calls it an Oath of *Allegiance*; and
 not *Religion* and *Allegiance*; and thereby shewing, that she
 required no more, than *Allegiance* by it; except we will
 say, It is an Oath of *more*, than she said it was, who best
 understood it) that she took only what K. H. 8th. and
 K. Ed. 6th. took; to wit, in the Acts which she liked
 and reviv'd; and not in Acts which she dislik'd, with what
 was taken in them; and therefore repeal'd, was is most
 reasonable to understand then: Especially since she adds,
 Lest we should mistake her, to take any thing that in
 them might seem Unchristian; And what was of Antient
 (which is the same as Catholic) time due to the Crown.
 Now, what K. H. 8th. took, which only is, to our pur-
 pose, (all that K. Ed. 6th. might do remaining by her
 Repealed) we have largely; and I think fully seen to be
 only Temporal. Nay, one may probably guess by his
Visitation of a Christian Man, (to be seen in the *Christi-
 an Library*; a Book lately set forth, and that King's Let-
 ter (to be found in the *Cabala*) to the Clergy of *York-
 shire*) that he took no more even in the Repeal'd Acts,
 concerning his Headship of the *English Church*. Pos-
 sibly Bishop *Fisher*, and Sir *Thomas Moore* might be the
 more zealous of his being Head of the Church; because
 they never saw that Book, in being set forth some
 Years after their Death? But that King *Henry 8th.* did
 not confound Regal and Pastoral Power, purely Spiritu-
 al; appears by his Book of Ordination; wherein he de-
 clares that Pastoral Authority (he means purely Spiritu-
 al) was by Ordination only committed to Men; and
 also, by his Injunctions. And therefore, could not as-
 sume such kind of Pastoral Authority, for that which is
 purely

purely Spiritual to himself; nor Queen Elizabeth neither, who took no more than he did. But besides, The farther explains her self in expresse Words, not to take the Power Of Administring Divine Service in the Church, but the *soveraigne and Rule over all Persons, of what State soever they be*; And what can be desired clearer than this, for her not taking Power to Preach, Perswade, and Help Christians, as Christ bid his Apostles do; which is in other words, to administer Divine Service in the Church? And what is Power over Ecclesiastical Persons, without Power in Ecclesiastical Functions, but Power *Quantum per legem Dei licet* (with which Addition Bishop Fisher himself agreed to the Title of *Supreme Head of the Church*) added by Act of Parliament, in the Confirmation of Queen Elizabeth's Exposition.

And that the said Words, [*Supreme Governour of this Realm, and of all other His Highness's Dominions and Countries*, taking them all together, as they ly, (as we ought) can never signify other than a *Civil Governour*; what-ever Things or Causes his Power is expresse to be in, appears farther by this, that those Words are a very unsutable and improper title for any purely Spiritual Head. For, who-ever heard the Arch-Bishop of Roan (for example) call'd, *Supreme Governour of all his Province of Normandy, in all Things or Causes purely Spiritual*? Or, How would Roman-Catholick Princes take it, to have the Pope write himself, [*Supreme Governour of all his Dominions or Countries, throughout the whole Catholick-Church, in purely Spiritual Affairs*?] These Words then will not suffer themselves to be meant of any other Power, than that of a *Civil Magistrate*; nor can they, without much straining them from their common Use, signify, that he assumes to Himself any thing, properly belonging to any Bishop or Priest; and so, they have no shew of touching any thing concern'd to be of Faith.

Again,

Again, The King of Spain has and exercises *Supreme Spiritual Authority, and Spiritual Monarchy* in Sicily; which are as hallow Words, as any in the Oath: And yet all Christendom knows, and the Pope, and Court of Rome it self, that that King claims a Governourship or Power, call'd *Spiritual*, (nay, and which is much more, *Supremely such*) without any ones Fancying, that Faith is prejudic'd by such a Title. Nor imports it, whether that King have this *Spiritual Jurisdiction* from the Pope; or no: We have nothing to do with their Bargains; our only Question at present, is concerning the meaning of the Word [*Spiritual*], when apply'd to Kings; which, if it signifies a Power *purely Spiritual*, could never have been given him by the Pope himself, without Creating him *Bishop*. Now, I would ask upon this occasion, Whether, if the King of Spain had thought fitting to Command his Subjects in Sicily, to take an Oath of Supremacy, exprest in these Words; That he is *Supreme Spiritual Monarch*, or has *Supreme Spiritual Authority* in that Kingdom; whether it could stand with the Duty of his Subjects there, to refuse to obey him, and to take it, upon a Caprichious Conceit, grounded on the double Signification, which the Words (*Spiritual Supremacy*) may possibly bear; and thence take shadow, that they renounce their Faith? or, Whether such a whimsy ought to excuse them? I conceive, no good States-Man, though never so good a Christian, would think him blameless. You'll say, 'Tis a different Case. I add then this forcible Reason, which I am sure is unanswerable.

If the Words [*In Spiritual or Ecclesiastical Things or Causes*] subjoyn'd to [*Supreme Governour, &c.*] wrong Faith; that is, if those Words give the King a Power *purely Spiritual*, as is feared and objected; then the word [*ONLY*] joyn'd to [*Supreme Governour,*] and [*ALL*] to
[*Things*]

[*Things or Causes*] being so Ample and Extensive, must either give him the *whole Latitude* of Power *purely Spiritual*; or *None at all*, but *All Power* of some *Other kind*: But it must cost us the *Forfeiture* of *Common Sense* to imagine, that either the *Oath-makers* should intend to *Give*, or the *King* to *Receive the whole Latitude* of Power *purely Spiritual*; For then he must have Power to confer Orders, consecrate the *Eucharist*, absolve in Confession; which no Christian ever attributed to a Secular Magistrate: Therefore, 'tis evident, those Words do not give the King any Power or Supremacy *purely Spiritual* at all; nor consequently can they breed the least Scruple in any Person of Loyal Principles, that they concern or Shock Faith.

16. These Things seem evident enough: However, for a 5th. Proof and Explication of many Things that have been said, concerning what K. H. 8th. took upon him in the Reviv'd Acts, (that make the same belong to our King, and be by us in this Oath acknowledg'd as his due, or annex'd to his Crown) let us consider, that the Power so proper to a Pastor, that we cannot give it to our Prince, is nothing else, but a Man's being by our Saviour's Appointment, Immediate (to his Apostles,) or Mediate (to their Successors) deputed to Preach his Faith, Perswade, and (in the Sacraments) help the Practice of it; and by that Deputation, enabled to do these Things. Whereas a Lay-man, out of Charity and Goodwill to another, or any other Good Motive, besides our Saviour's Appointment, (which he hath not, in our Supposition, that he is a Lay-man or not Appointed; and so would Usurp, if he pretended to it) may teach him his Catechism, or send a Pastor, that is his Friend, or his Chaplain, to do it: And out of the same, and other Reasonable Motives, the King may have a *Human Power* either

either to teach a Man, if he pleases, or send all his Subjects that are Pastors, to do their Duties, or exercise the Power Christ gave them; Nay, and to hinder them from exercising of it, in case (of Wicked Life, for example) it be unreasonable they should; since the Law can prohibit and punish any unreasonable Thing or Vice; and since the Pastor himself, though he hath the Power, ought not then to exercise it. And as the King may order them to do their Duties apart, so in Counsel: And as he may, out of those said Motives, Teach; so he may out of the same, *as a knowing Christian Man*, judge what he ought to Teach, or judge what is Faith, what is Heresie; likewise, what is or is not a convenient Canon-Law, or a fit Prayer to be used in his Churches, and the like. And more than these we do not find, that the Acts ever gave *K. H. 8th*. I believe it will be found, that *Solomon*, at the Dedication of the Temple, and the Kings of *Judah* did as much or more; as in reforming Abuses in God's Worship, pulling down Superstition and Idolatry, and the like; and yet none imagined, they in so doing usurp'd the Office of the High-Priest, as sacredly reserved to him then, by the Law of *Moses*; as the *Pope's*, or that of Bishops is now to them.

17. To these Examples, I know it is commonly reply'd, That these Kings did not do these Things without usurping the Priest's-Office, in case they did more than Execute what the Priests judg'd to be the Law of God, and its Convenient Practice: It being not the King's, but Priest's Office, to judge what was the Law of God, to Teach it to the People, and perswade them to Practise it. And hence, that they reach not *King Henry's* Case, who was impower'd with Sixteen of the Clergy, and Sixteen of the Laity, to judge what Canons were

not.

not repugnant to the Law of God, (as in 25 H. 8. C. 19.) and in his Court of *Chancery*, to judge of Appeals from Spiritual Courts: Nor Queen *Elizabeth's* Case, who took upon her to order a New Form of Prayer, and a New Manner of Consecrating Priests and Bishops.

18. But this Reply invalidates not the Application of these Examples. *First*, Because in the Preamble of the Statute 24. C. 12. the Judgment of Things concerning the Law of God and Divinity, is left to the Clergy, as a thing of their (and not the Laity's) Office: By which it appears, that the King no more acted out of such an Office in himself, than the *Jewish* Kings did. And the same Office Queen *Elizabeth* denies to her self in her Admonition; and so leaves it, and its Exercises to the Clergy. And this is also evident, because no Power is given to either of them by Act, (which only concerns us) to order concerning the Law of God, or its Practice, without the Clergy's ordering it, with them. For in the First, Sixteen Clergy-Men are mentioned: In the Second, the Spiritual Court, if the Matter belonged to it, Judged First: And though an Appeal lay to the Chancery, 'twas not the Chancery, but Commissioners, who were to judge of that Appeal; which Commissioners, if the Case concern'd the Law of God, 'tis to be presumed, were to be Clergy-Men; as we shall see by and by. Likewise Queen *Elizabeth* left the making of the Common-Prayer, and Form of Consecration to Clergy-Men. And hence, they were never hindred from doing their Office, that Christ gave them Power to do: Neither did our Princes by these Laws pretend to do it; but do what they did by the Clergies Directions, as far as they judg'd them to direct right.

19. Hence I Reply, *Secondly*, according to what has been said already, That though no Lay-Man can be a

Judge of what is Faith, or a Preacher of it, (to which are reduced an Excommunicator, or Denouncer of him that doth contrary to it, or its Practice, as of a Man to be avoyded; and a Maker of Laws or Directions for its best Practice, without any other Force, than that of Excommunication) in the most common or most proper Sense of these VVords; which is the same, as a *Judge or Preacher authoriz'd, or made by Christ's Immediate or Mediate Appointment*: Yet if the Word [*Judge*] be used to signify no more, than one that knows or judges what is true Faith, or its best Practice, by Natural Reason, not Authoritative Mission, in this Sense, every Lay-Man is and ought to be Judge of Faith, and of its Preachers too; because every Man has, and ought to use his Reason in Faith, as well as every thing else: And he seeing many sorts of Faith pretended to be Christ's, and many sorts of Preachers pretending to be True Ones, is this way to judge of both these, by the Reasons they bring for themselves, and their Faith. And hence, the King, as a *Christian Man*, is in this Sense a *Judge of Faith*: Nay, in a particular Manner, as he is *King*. For, as *King*, he ought to use the Power he hath, to see that Christ's true Faith be believ'd and practiz'd by his People: And, how can he see that Laws be made and executed for this, without he knows or judges which it is? Or, how can he put in True, and put out False Preachers, without he knows by more than their own Words, which are so? And, how can he establish right Laws for its Practice, and abolish wrong Ones, except he judge which are Good Ones, which not? Neither do I by this Power given to Princes of Judging in Matters of Faith, give them that Power of Judgment, which is proper to the *Church*. Christ delivered his Doctrine not to Princes, but Pastors; and commanded Them (not Prin-

Princes) to Teach the Flock, and all the Flock: Princes, as well as private Men, to hear their Voice. Yet Faith being one of the many Things, which fall under a Princes Care, and about which he must needs Act one way or other; I conceive, he cannot Act in any thing, without Judgment; and so must of Necessity judge *his* way, of Faith, if he Act about Faith. But, the Church judges, in order to Teach the Faithful; the Prince, in order to Govern his Subjects, and appoint Rewards or Punishments. We hold the Church Infallible; and therefore, She can oblige People to Interior Assent. The Prince may happen to judge wrong; which, if he do, we are not bound to Believe as he Judges: Though we are bound to submit, and patiently suffer the Penalties, to which that wrong Judgment may expose us. Other Differences there are, which it is to no purpose to mention.

20. Likewise, If the Word [Preacher] signify no more, than one that Teaches another what he knows of Christ's Doctrine, and it's right Practice; then a Lay-Man may, without Injury to the Clergy, be a Preacher: witness, *Apollo* in the *Acts*; *Sir Thomas Moor*, in his proving Faith, and disproving Heresies, and writing Devout Treatises; Parents, in respect of their Children; and God-Fathers, in respect of their God-Children. More-over, What Injury would it have been, if *Sir Thomas More* had been made such a Writer or Preacher by Act of Parliament? And the same may be said of a *King*, or *Queen*, who either by Themselves or Counsel, may be Learn'd enough. Nay, though every *King* be not a Preacher by Writing, or Speaking; yet he is a Supreme Authoritative Preacher in his kind, since he by establishing one Faith, and its Practice, before another, both Teaches, and perswades to Practise it: and in this way he hath none above him. And since all (properly call'd)

Preach-

Preachers here, have Leave or Jurisdiction from Christ, and from our Law, he supremely gives them the Later: Much more, the Jurisdiction they have to make Temporal Laws, to judge those that do against them, and execute their Sentence. And in this we have seen, how the King, as a *Christian*, may be Judge and Teacher of Faith; and that Authorized by the Law of the Land: How, as a King, he may, and ought to be Supreme Civil Judge of what Faith ought to be establish'd by Law, and the Supreme of those that Preach (or cause People to Believe and Practice) by establishing Faith, its Preachers sent by Christ, and their Directive Laws by Law; and by giving them the Jurisdiction they may have from Law, to do what Christ bid them; lastly, how he is the Supreme Giver of Power, to make Civil Laws, to Judge by them, and Execute them.

21. *Thirdly*, There is in Truth, more Assumed in the Objection, than there is warrant for in the Act mentioned. It does not appear there, that the King is empower'd to judge of the Repugnance of Canons to the Law of God: On the contrary, it seems meant, that that Matter should be left to the Clergy: For, why else should Sixteen of them be put into Commission? Neither are the Words, on which the Objection is grounded, *viz.* That such Canons shall be retained, as *shall be approved to stand with the Laws of God, &c.* the Words of the Parliament, but of the Clergy themselves; who cannot be thought to mean by them, that the Laity should be Judges of the Law of God. They are only recited by the Parliament; which, when it comes to do its own part, uses other Expressions. There are other Reasons, why the King should interpose: The Reason of the Act is assigned to be, because *Divers Constitutions, &c. be thought, not only to be much Prejudicial to the King's Pre-*

rogative Royal, and Repugnant to the Laws and Statutes of this Realm, but also over-much onerous to his Highness and his Subjects. Of those things who can Judge so well as the King, with the Assistance of some of the Laity, best versed in the Laws of the Land? Again, the King was to add his Authority to those Canons, to make them Binding; and therefore, must needs know, what he should Authorize, and see why he should do it. And this is all the Power in him, which can be Collected from this Statute. As for Appeals, the Act indeed orders they should, for lack of Justice in other Courts, be made in Chancery; but not determined there, but by Commission to be granted by the King, that all Differences of his Subjects be finally determin'd by his Authority. But 'tis not said, nor is to be supposed, that those Commissions shall be granted to the Laity, where the Case concerns the Law of God. For, Appeals are ordered by this Act, to be as was directed by a former Act of the same Parliament, *An. 24 H. 8.* By which Act; where any Cause of the Law-Divine, or Spiritual Learning hapned to come in question, the Body-Spiritual of the Realm is declared to be Qualified, and to have Power to determin it; and therefore, to them it must needs be meant to be left.

To return to our Matter again, Since those Parliaments evidently knew, their King was neither Bishop nor Priest; which even in their Thoughts was the same, as not to have Power to Act in Spiritual Things, by our Saviour's immediate or mediate Supernatural Mission; or, which is the same thing, by the Power of the Keys: They evidently saw, he neither had, nor could have, any Pastoral Power, purely Spiritual; much less, the Supreme Power of that kind, what-ever the Supremacy of that kind consists in. Hence, they could never intend

tead to give him, what they saw he could not have given to him; nor signify any such Gift, or Sense, by their Words in the Act or Oath; But only a Gift of the above-explicated Power, arising from Nature and Reason. A Legal Power to exercise which, as a Governor, they knew he might have from them; and to say, that they intended to flatter him, with the Acknowledgment of a Power in him, which they knew was not in him, is a Fault, that they cannot be prov'd Guilty of, (especially when we remember their *Proviso*): And so according to the Axiom, *Every one is to be presumed Good, till he be prov'd to be Bad*; they ought to be acquitted.

23. Wherefore upon the whole, it is many wayes evident, that the Words in the Affirmative Part of the Oath, cannot mean any thing but Supremacy of the Sword; which, whether in Temporal or Spiritual Things, cannot be exercis'd but by Authority deriv'd from the King. And this Supremacy is so evidently His, that He needed not this Act for it: He has it from God and Nature; and, as it is inseparable from the Crown, always had it, even when Ecclesiastical Authority was at the Highest. For, though the Bishops claim'd an Independent Power of their own; yet, as Things do not cease to be, by not being acknowledged, They truly acted under him, and in vertue of his Allowance, and subject to his Controll. When-ever he pleased to interpose, as the Statutes of *Mortmain*, *Provisions*, *Premunire*, and the rest made in *Catholick* Times, shew he often did, His Pleasure and Laws carry'd it, notwithstanding their Pretences.

24. That they did mean only thus, is, beyond all doubt, apparent by all manner of wayes, by which any thing can appear. And though what hath been already said

said out of the Oath it self, and all the Acts, which are any way ordered to Establish the Duties to be acknowledged by it, seem to force a Perswasion, that only *Royal Power* is required to be own'd by the *Affirmative Clause*. I cannot leave this Part, till I put the *Reader* in mind, lest he should suspect these Reasons Fallacious, as seeming good Ones only to my self, how both Learned *Protestants*, and the *Protestant Church*, understand this to be the Sense of it. I alledge then, that all *Protestant Authors*, not one I think excepted, agree, That 'tis not the Power of the *Keys*, but of the *Sword*, which is in the King: I could name several, but chuse to mention only Doctor *Bramhal*, late Arch-Bishop of *Armagh*; because no Body speaks, or I think can speak plainer: And what he sayes, I take to be the Sense of the Church of *England*; his Works being very lately Reprinted in one Volume, Dedicated by the Bishop of *Limric* to the Arch-Bishop of *Dublin*. In his *Schism Garded*, p. 311, 312. speaking of this Act, he sayes thus: *In a Word, there is no Power ascribed to our King, but meerly Political and Coactive, to see that all their Subjects do their Duties in their several Places. Coactive Power is one of the Keys, of the Kingdom of this World; it is none of the Keys of the Kingdom of Heaven. This might have been exprest in words less subject to Exception; but the Case is clear.*

25. Next, The 37. Article of the Church of *England*: where we attribute to the King's Majesty, the Chief Government.—We give not to our Prince the *Ministring* either of God's Word, or the Sacraments, but that only *Prerogative*, which we see to have been given to all Godly Princes in Holy Scriptures by God himself: That is, That they should Rule all Estates and Degrees committed to their Charge by God, whether they be Ecclesiastical or Temporal; and restrain with the Civil Sword the stubborn and evil Doers.

26. I could add here divers other Eminent, and publickly approved Authors, who are very full in expressing the same Sense of the Oath; as Doctor *Bisson*, Bishop of *Winchester*, in Queen *Elizabeth*.s dayes, Doctor *Carlton*, Bishop of *Chichester*, in King *James*.s Time, (both cited at large by Mr. *Cressy* in his *Reflections upon the Oaths*, Sect. 6.) and others: But I conceive, enough is said to the clearing the Affirmative Clause of the Oath; and perhaps, they may be more proper here-after to explain the Negative Part of it, to which we now address.

Section II.

Of the Negative Clause of the OATH.

THE Negative Clause runs thus: *That no Forreign Prince, Person, Prelate, State, or Potentate, hath or ought to have any Jurisdiction, Power, Superiority, Pre-eminence or Authority, Ecclesiastical or Spiritual, within this Realm.* Now, though there want not some, who think, that taking the Words of the Oath in a Law-Sense, and allowing Common Reason to scan the whole, & not Fancy to catch suddainly at single Words, the Oath, even as it lyes, may lawfully be taken by those, who are able to penetrate throughly into it: Yet the Generality (whom

(whom chiefly I must endeavour to satisfy) are more apt to judge, that if those Words be taken in the full Latitude of what they seem first to sound, they cannot be sworn by any *Catholick*. And they have Reason. For it is plain, that no Human Authority can take away what is given by Christ. It is plain in Scripture, that Christ did give to his Apostles, and in them their Successors, Power to Teach and Feed, to Bind and Lose, &c. and this over all the World. The Exercise of this Power may be, and is restrained by Human Constitutions; because, it being to Edification, not Destruction, 'tis against its Nature, to be us'd where 'twould do harm; as, if every Pastor should promiscuously Feed every Flock, there would happen so much Confusion and Disorder, that a good part of the Sheep would be (not Fed, but) Starv'd. 'Tis this, which truly binds up the Power: Human Laws shew, and that Authoritatively and Obligingly, where the Harm is; but have their obliging Vertue from that Harm. Should They, under pretence of Destruction, forbid what Truths were to Edification, They would indeed expose the Contraveners to Penalties, but induce no Obligation to Obedience upon the Conscience. So we see the Apostles, the great Masters of Submission and Obedience to Authority, when they were commanded to forbear Preaching the Doctrine of Christ, declared plainly, it was their Duty in that case, to prefer God before Man. But, where Edification requires the Power should be exercis'd, no Power of Man can hinder the Ordinance of God; nor shelter those, who do not Evangelize from the *wo*, with which they are threatened. As any Bishop, and any Priest might perform the Functions of a Bishop and Priest, in any Part of the World, before Canons were made to limit them to Places and Persons, so They may still, where Necessity,

or what-ever Circumstance takes off the Restraint, and leaves the Power to its own Original Liberty. Now, the VVords of the Oath saying, That no Forreign Prelate has any Spiritual Power in *England*, do, in the utmost Latitude of their Sound, deny, that the properly Spiritual Power, given and commanded to be us'd by Christ in all the VVorld, can, even on any occasion, be exercis'd by any Forreign Prelate in *England*. And this being contrary to the Appointment and Grant of Christ, cannot I think, be sworn by any, who believes in Christ: For a Forreign Prelate, being a Prelate, cannot be without the Power of a Prelate; nor that Power excluded from any Part of the VVorld, where Edification requires it.

2. I purposely abstain from speaking particularly of the *Pope*, because the Oath speaks not particularly of him; though it comprehends him under the General Term *Prelate*; And because I conceive his Power concerns us not at present, since the Case would be the same, though there were no such thing as a *Pope* in the World. For, our Question is not, What Power forreign Prelates have? but, What they have not? If the Oath be meant, of the Power given by Christ, it is opposite to the Power given by him to all Prelates, and so not Takeable for their sakes: If it be not meant of that Power, it is not opposite to what was given by Christ to any; and so not Refusable for the *Pope's* sake. Our Business, at present, is to inquire, What Power the Oath means, not what Christ gave. If we find the Oath leaves it untouch't, 'tis best for us to leave it so too: For to do otherwise, is to stray into a different and unconcerning Question, and amuse our selves unprofitably, with what is not spoken of.

3. That the Oath does not speak of that Power at all, there are many Reasons to perswade me. They who fram'd the Oath, were Christians; and knew, and acknowledged the uncontrollable Power of Christ: I cannot imagin, they either would go about to take away any thing which he gave, or think they could, though they would. They knew, that notwithstanding the Confinement of Pastors to their own Flocks, as firmly established as Human Laws, both Ecclesiastical and Civil, can establish any thing, nothing is more apparent in Ecclesiastical History, than that Prelates thought themselves at liberty to exercise the Power of Prelates upon occasion any where: As *Lucifer*, Bishop of *Calaris* in *Sardinia*, made them a Bishop at *Antioch*; *St. Gregory of Nazianzen*, took care of *Constantinople*; and a hundred such Examples there are. *England*, to its great Advantage, has had Experience of the same; as when *Germanus* and *Lupus* came hither out of *France*, and preserved us from *Arianism*. At this day, if a Bishop of the Church of *England* happen to go beyond Sea, as I think some did, when His Majesty was there himself; though they carry not with them that External Power, which they have in their own Dioceses, I suppose, they do not think themselves bard from Preaching, or Ordaining, or Exercising any Episcopal Function, where they think it necessary or expedient, because they are in the Diocese of another Man. And so, though the Priests, which are Ordained in the Church of *Rome*, are liable in their Persons to the Penalty of the Laws in *England*, no Body thinks their Acts invalid. None will Re-baptize one, whom they have Baptized; or think they live in Adultery, who, pursuant to the Doctrine of that Church, receive the Sacrament of Marriage from them. Every Foreign Person is as much excluded by the Oath, as Foreign

reign Prelates. Had *Luther* or *Calvin* come hither, would They have been bard from Preaching or Baptizing by it? Have we not seen *Peter Martyr*, and divers others, freely Preaching, and Administring the Sacraments in this Realm? The Arch-Bishop of *Spalato* ordained here, whose Ordinations if the Oath rendred invalid, there would be much Confusion in the Church of *England*: For those who were ordained by him, in likelyhood ordained others. These indeed acted with Licence from Authority here: But Power is one thing, Licence to exercise it another. Licence supposes, but does not give Power: For, they could not by any Licence be enabled to exercise what they had not. How can it be, that Power of this kind should be thought spoken of, and meant to be excluded out of *England* by the Oath, which 'tis known, and by the Practice of all sides confess'd, cannot be excluded any where?

4. But let us consider the Words themselves: Every one of the Words, *Power*, *Jurisdiction*, *Superiority*, *Prebeminence*, *Authority*, *Priviledge*, doth in its primary, proper, and most common Acceptation, signify something *Human* or *Civil*: I mean, so as *Power*, for example, in its primary, proper, and most common Acceptation, signifies as much as these two Words, *Human Power*, or *Civil Power*; After the manner, that this Word *Man* signifies as much as these two, *Living Man*, and the word *Foot*, as much as *Foot of a Living Creature*. In a Secondary, less proper and less common Sense, every one of them signifies the Power our Saviour gave his Apostles, and their Successors, to preach his Doctrine, persuade People to practise it, and help them to practise those Parts of it, (to wit, the Sacraments) which they cannot practise without their Help; some thing after the manner as the Word *Man* does sometimes denote a

picture

*Picture or Statue, the VVord Foot, a Table-Foot or Mount-
tain-Foot.* And the Reason of it is, because those Words
had the former Sense before Christianity and the Pow-
er belonging to its Preaching and Practice came into
the World: and so must needs be used in this Case, in
a Secondary Sense: And this, though those VVords were
us'd before, concerning other Religions then on foot,
from which they might be borrowed, and apply'd to
Christianity; because, even at their first Application to
Religion, they were borrow'd from Families, Cities, or
Kingdoms; that were before Religion was settled. Next,
in the former Sense it is apply'd to Fathers, in respect
of their Children; to House-holders, in respect of their
Families; to all sorts of Governours of Parishes, Towns,
Cities, Armies and Kingdoms; and all Officers under
them, in respect of those they are over; also, to the
Teachers of all Trades and Arts: But in the later Sense,
to one only Order of Men, or Teachers of one only Do-
ctrine; and so, more commonly or oftner apply'd to
them, than to these. Hence, this is also the most pro-
per Sense, because this is the same as the first Sense; espe-
cially if the first be most commonly us'd.

5. Again, VVere these VVords in a Treatise of *Mil-
itary Discipline*, every One would be as much as *Two*:
For example, *Jurisdiction* would be as much as *Military
Jurisdiction*, and *No Jurisdiction* as much as *No Military
Jurisdiction*, and *No Jurisdiction* in a Book concerning
Confession, would without any more ado, be the same
as *No Jurisdiction to absolve from sins*: And for the same
Reason, these VVords in a Treatise of Civil Matter (as
Laws are) ought to be understood, so that *No Jurisdic-
tion*, be as much as *No Civil Jurisdiction*. Inasmuch, that
as it would be ridiculous to think, that *Jurisdiction*, in a
Military or Confession-Book, means not *Military or Sacramen-
tal*

tal Jurisdiction; so it would be absurd to think, that this VVord [*Jurisdiction*] in a Law-Book, means any thing but *Civil*; except there be something, to determin it to another Sense.

6. Out of this may be seen, that every one of these VVords, *Power, Jurisdiction, &c.* in the Negative Part of the Oath (which is contain'd in a Law-Book, and is Part of a Law) ought rather to be taken in the former Sense, then later; So that *No Jurisdiction* be the same as these three VVords, *No Civil Jurisdiction*; in which Sense it is evident, that the *Pope's*, or other Forreign Prelates, not purely *Pastoral*, or purely Spiritual, Ministerial, and Supernatural Power of the *Keys*, which only regards the Inner-Court of Conscience; but that Ecclesiastical (otherwise in its own Nature, truly Temporal and Political) Authority in the External Court, which the *Pope* either had or usurped, or prescribed or challenged here in *England*, is excluded. I say, in case there be nothing in the Oath, or its Acts, to determin them to another Sense: For, if there be nothing to determin them to this later Sense, then (as I said) they must have the former; as the VVords, *No Man at all is at Home*, signify no more, than *No Living Man at all is at Home*; except they are by some VVord or Circumstance determin'd to signify *No Carv'd or Painted Man*.

7. That then there is nothing to determin them, is the only thing to be prov'd: And first, that the VVords *Spiritual or Ecclesiastical*, do not determin them, we have already seen; because these VVords in Law-Language and Law-Books, where they at present were found, signify what is External, Political, and *Civil*: and so these Words determin them rather to their Law-Sense, than draw them from it: Especially since this *Negative* will not bear a Coherent-Sense with the *Affirmative*; except *No Spiritu-*

Spiritual Jurisdiction be the same, as *No Civil or Royal Jurisdiction*. For to say in the Affirmative, that the Queen hath all Royal Jurisdiction, (or Royal Jurisdiction, in all Causes which is the very same) and in the Negative, that no Body else hath any Royal Jurisdiction, is Coherent Sense; But to say, that she hath all Royal Power of the Sword, and no Body else hath any purely Spiritual and Supernatural Power of the Keys or Sword; or that she is Queen, and no Body else is a Preacher, is very Incoherent and Ridiculous: And yet this must be the Sense, in case the Words *No Spiritual Jurisdiction*, be the same as *No Sacerdotal*, or the same as both, *No Royal*, and *No Pastoral*, as some do fancy.

8. And as the Words *Spiritual*, and *Ecclesiastical*, and the Coherency of Sense (which we must admit, except we be such wise Commentators, as to make our Text speak Non-sense) do determin the word *Power*, &c. to signify *Royal Power*; so doth the whole Design aim'd at, as to be brought about by the holding of the Affirmative and Negative Sense of the Oath: For this (as appears in the later part of the Oath) is *Faith*, and *Allegiance* to our Prince, and the Defence of the *Jurisdictions of the Crown*; which cannot at all be profess'd or assur'd by these words, *No Power*, *Jurisdiction*, &c. as taken to mean any thing else, but *No Human Power*. For, if one should deny by them, that our Saviour gave the *Pope*, or other Foreign Prelate, any Power to preach his Doctrine in *England*, how doth this Denial conduce to my Allegiance? Except one should impiously say, that the Power our Saviour gave to preach his Doctrine, was repugnant to Allegiance, and to the Jurisdictions of any Crown. And hence to say, the Makers of the Oath intended, that People by those Words, should deny that Power, is to say, they intended People should deny a

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thing, in order to bring about their Allegiance, which hath no order towards the bringing it about: And which they saw had none. For, being Christians, they could not think any Power our Saviour gave the Apostles, and their Successors, (which only is of Faith, and which only we contend they never intended to exclude) was contrary to Allegiance; or, if they thought he gave any such, and yet deny'd it, they left off being Christians. What then they apprehended in him, was some Power not given by Christ, but usurp'd from our Crown, hurtful to it, (as they expressly say;) and this, and only this they could deny him, in order to secure Allegiance, which was their Design.

9. Next, that the word *Prelate* (which is the only remaining Word that hath any shew of Difficulty) doth not determin them, appears from this, that the Prelate there intended, (as all suppose) is one by whom Temporal Power, as well as Power to Preach, was in many particulars here usurped; and, as to the rest, or all other Branches of it, challenged; and that not only on the pretext of *Divine*, but even of *Human Right*, viz. of the famed Donation or Submission of King *John*. And so, the word *Prelate* is sometimes, by its being apply'd to him, determin'd to Temporal, and sometimes to Preaching Power. And since he is in our Law, and in this Oath, look'd upon as opposite to Allegiance, and the Jurisdictions of our Crown, and so rather as a *Prince*, than a *Preacher*; he here determins it to a Temporal Sense, even as it is apply'd to him: For, as it is apply'd to all the rest, as *Prince*, *Person*, *State*, or *Potentate*, it is evidently made to suppose for *Human Power*; and these Words being more, it ought, if it have but one Sense, rather to have their Sense, than the Sense of *Prelate*. But some guess, all those other Words are, according to the Reason-

dundance of our Law-Language; put to signify only one thing; so with the Pope; who only, (as far as I can learn) had any Power in England to be turn'd out, as he is look'd upon in our Law; as Prince, Person, State, or Potentate.

10. The words of the Oath then, do not determin the word *No Power*, to be *No Preaching-Power*. And as for the Acts, who reads them, will find, that there is not so much as one word of him, as a *Preacher*, *Perswader*, or *Administerer of Sacraments*: And consequently, not so much as one word to determin these Words to such a Sense. But on the contrary, all the Discourse of him, is as of a *Getter of Power* by Sufferance of Princes, and Consent of Poople, and Usurpation from the Crown, in detriment of it: As of a *User of this Power*, in making human, Ecclesiastical Laws; as *Judging by these Laws*, in Cases of *Marriage*, *Divorces*, *Wills*, *Tithes*, *Oblations*, *Obventions*; and as *Dispensing in these and the like Laws*: In *Getting great and intolerable Sums of Money* for these Dispensations: In *Giving of Benefices*, *Receiving Annats*, and *First-Fruits*: *Giving Leave* to Bishops, and others, to do their Duties; which needed not, except in case of Human Law, they having from Christ this Power: and in *Doing* such like Things as these. And since the Actor of these Things, is a Temporal Actor, or an Actor by a Temporal Power, he being constantly consider'd, and spoke of in these Laws, as an Actor of these Things, must constantly determin the Words of the same Laws, *Power*, *Jurisdiction*, &c. to import *Temporal Power*; and consequently in this Oath, which is made to deny *all*, and only that which these Acts deny'd him.

11. In truth, the words *Power*, *Authority*, and the rest, have not the same Notion, when apply'd to Church-Men, as when they are apply'd to Secular Superiors.

Power in this case, signifies *Power to Constrain*; in the other, to *Perswade*. A Bishop invites a Man to obey him; that is, to Believe, and Live as he from Christ instructs him, by the Hopes and Assurances of the greatest Goods; and frights him from disobeying, by the Fears of the greatest Mischiefs; which he will certainly bring upon himself, who will not be directed by him. If any remain Obstinate, he with-draws from him those Helps to Salvation, which Christ has left in the Church, and which his Perverseness now renders useless to him; that by considering the Danger of his Case, besides the Shame, and what else attends Excommunication, he may be Reclaimed, and *Spiritus saluus sit in die Domini*. Farther than this, a Church-Man cannot go, by the Nature of his Power, abstracting from supervening Laws. He cannot take away Meat from the Glutton, nor VVine from the Drunkard, nor lay out the Covetous Man's Money in Alms; nor by Violence, force any Sinner to Virtue. But the Prince, if any Man disobeys his Commands, lays hold of him, and by Force constrains him to obey. Now, let us consider, which of these two Notions is, in Common Language, generally understood by the VVords in question: We do not say, a Friend, a Lawyer, a Physician, &c. have Power or Authority; though by not following their Directions, we miscarry in our Affairs, or lose our Estates, or Health. But a Magistrate, a Father, or Master, we say, have Power over their Subjects, Children, and Servants; because they can force them to do what they command. Plainly therefore, *Power* in Common Language, means *Compulsive Power*: VVhich, if it be fit, who understands the words *Power*, *Authority*, and the rest in the Oath, of purely *Pastoral*, or purely *Spiritual*, or properly *Church-Power* of the Keys, understands them otherwise, than as they

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properly, and usually, and alwayes signify, unless they be determin'd to that less proper Signification otherwise; which here we have seen: they are not.

12. Another evident Argument may be form'd thus; In the Act (1 Eliz. c. 1.) it is expressly said, that this Oath is made for the Observation of that Act. Hence there is no more deny'd the Pope by this Oath, than by that Act: VVhat is otherways deny'd by the Queen, or her Divines in their Religion; or in Controversie-Books, being not a Denyal to be acknowledg'd by Oath; else it would be to deny all other Things of Faith, in which we differ as well as this, which no Body dreams of. Now, only Temporal Power is deny'd by the Act; therefore, none but Temporal is deny'd by the Oath: Only the Second Proposition wants Proof.

13. For its first Proof, it is sufficient to read over this Act, and all Acts reviv'd by it, and consider the Pope's Power there spoken of; and whether all of it, there spoken of, be Temporal: For, if all spoken of be Temporal, all deny'd him must needs be so. The first of the Reviv'd Statutes, which taketh any thing from the Pope, is in the 24 K. H. 8. c. 12. Its Preamble speaks only of such a Power of the Pope, as was by reason of its Opposition to the Prerogatives of the Crown, by Catholic Kings taken from him, and restor'd to the Crown. And of such a one as he exercis'd, with great Damage to the Nation, in Causes of Appeals in several Cases; and for Remedy of this Damage, it is enacted, That he shall have this Power, of being a Judge in those Causes, no longer. And if it be said, that in this Preamble he is spoke of, at least once, as a Preacher, when it is said, that the Clergy of this Realm were alwayes able to Judge of God's Law, without him: I answer, This invalidates not the Argument; for it is Founded in this, that where

where any Power is deny'd him, ~~all~~ there spoken of is Temporal: VVhence is infer'd, that all deny'd him is Temporal. Now, it is not there said, the *Pope* cannot, or shall not Judge what is God's Law, when a Question may rise in *England* about some Point; as a Preacher, or one skillful in God's Law: But that the Clergy is able to do it without him. And thence he seems to infer, that 'tis needless to appeal out of this Realm, to know of him, what is the Law of God; if there should chance to be any doubt, in case of Matrimony or Divorce, for Example: And, it being a needless thing to appeal to him even as a Preacher, and inconvenient to appeal to him as a Judge, commands this not to be done. And thus no Power was deny'd him, where he was spoke of as a Preacher; but only, where he is spoken of as a Judge in those Causes, as far as they depend on Human Laws.

Next, the Statute 25 K. H. 8. *cap.* 20. speaks of no Power taken away, but the Power of exacting Annats, and First-Fruits, and of Electing of Bishops; which, having accrew'd to him by time, could not be Divine or Supernatural Power; that is, Power deriv'd to him, or confer'd upon him, *Jure Divino*.

15: The Statute (in the 25 K. H. 8. *cap.* 19.) excludes perchance his, as well as our Clergie's Power, of continuing old Canon-Laws, or making new Ones, without the King's Approbation: And the Power of making such Laws, is grounded only on Human Reason, shewing the Things prescribed to be convenient; Of which Conveniency, our Clergy, and also Layity, as knowing it best by living here, (where a thing may be Inconvenient, that else-where is Convenient) and not the *Pope*, ought to be Judge: VVhich is the Reason, why Laws even of General Councils, do not Oblige, except where they

they are Received. Hence not so much as a Just Human-Authority is here taken from the Pope.

16. But if it be here upon this Occasion, ask'd, Whether the Clergy and Layity could in Reason, and good Conscience, renounce their Human Power, to continue all such old Canons, which the King should not approve of; when as they being more in Number, and more likely to be in the Right than he, might judge either an Old or New Canon convenient, which he might think to be inconvenient? And, hence, whether the King in Reason, and good Conscience could then, and now (by this Act's being Revived, and giving this same Power to the King) take, and keep the Power of Repealing all such Canons, as he should please? And consequently, whether we can with a good Conscience, Swear (as we do in the later part of the Oath) to defend this his Power, if Conscientiously possess'd by him? I answer; That, I believe, they did according to Reason and Conscience, in rather choosing the little Harm that might be in the Repealing of some good Old Canons, than the great One that might proceed not only from the King's Displeasure, but either from the Continuance of many former bad Canons, or the Enacting of as bad New Ones; or upon such other account, upon which a Man may now, after it is made Law, upon the same or a better Motive, continue to consent to the Continuation of what they did. Likewise, the King might as reasonably take upon him, that a Law may not be continued, which he dislikes, as that a Bill, which both Houses like, may not be a Law, except he likes it; or, as that a Law which he likes, shall not be discontinu'd, though both Houses, that are more, dislike it: And this is for Publick order sake.

17. The Statute (25 K. H. 8. cap. 21.) speaks of no Power to be taken away, but Power of dispensing in the King's Laws; to the Prejudice of the Crown, and impoverishing of the Subjects; which Power must be of the same Nature, as the Laws dispensed with.

18. The last reviv'd Statute, that takes any thing away, is in the 28 K. H. 8. cap. 16. and it takes away only Power of giving Licences in abundance of Human Cases; and among the rest, the Power of putting Bishops into their Bishopricks, and Priests into their Parishes; and of giving them leave to do their Divine Offices: VVhich, though it may at first Sight, look like Pastoral Power given him by Christ, yet it is not: For, where-ever an Apostle dyed, the People and Clergy of the Place had Power to choose themselves a Bishop; and put him into his Bishoprick, without the *Pope's* Consent. And this Power they Exercis'd for many hundred Years, all over Christendom, according to the Antient Canons and Customs; till partly, under pretence of Respect to St. *Peter's* Successor, (but whether truly or only for that Reason, is another Question) it was by several Concordates between some Emperors, Kings, and Princes, and States of *Europe*, of one side, and *Popes* on the other, agreed, There should be no Bishops allowed in their Territories, but whom the *Pope*, or Bishop of *Rome*, should approve of: Hence the Power which the *Pope* had, that a Bishop could not, or should not, be put in, without his Consent, he got by Human Agreement; and only this Power was taken here away. For, it is not said here, that the *Pope* cannot, or shall not, perswade People to chuse themselves a Bishop, that he sees want one; or perswade a Bishop, who hath Authority from Christ to do it, to go and preach to People that want him, (which may belong to the Care our Saviour gave him over
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the Church) but that they having a mind to have Bishops, will have them of their own choosing, and putting in; and not of the *Pope's*, as was of former Times practis'd. And that this is their Sense, is evident out of the History of what the *Pope* did before that time, and of what they themselves did, and hinder'd him to do afterwards: Or, it may be said, in short, that as they saw it not necessary by God's Law, that the *Pope* should choose and give them a Bishop, who were ready to do it themselves, so they thought it not convenient, he should; and thence made a Law, that he should not, The Law not saying, that he could not, nor should not, send them a Bishop in case of necessity, (in which case he hath Power from our Saviour, to provide for the Flock; and so have other Bishops too, in such case, besides him) but only, that he should not in this case of no-Necessity: Which is to take from him, not the Power, but the unnecessary Use of that Power; which last, was certainly not given by God.

19. Likewise, Bishops and Priests had from our Saviour, Power to preach, and that all the World over; as they should think fit; without its being necessary to have this Power from St. *Peter's* Successor: But after some time, they thought fit to agree, that each one should not do his Duty every where, nor at his own Discretion; but only in the Place allotted to him, and at the Discretion chiefly of the *Pope*, at least, within his Patriarchate. And the Power, that was by this Agreement given the *Pope*, was here, by the Disagreement of this Nation in Parliament, taken away: So that now they should have their Places allotted by *it*; and at the Discretion of *it*, exercise the Power they had from *Christ*.

20. Having thus seen, that when any Power of the Pope was in the Reviv'd Statutes turn'd out, none but Human was spoken of: Let us now see, of what kind *Q. Elizabeth* speaks, in her Acts.

21. In the Title of her First Act, (*1 Eliz. cap. 1.*) none is spoken of, but Power *Repugnant to the Antient Jurisdiction of the Crown*. Now, one Human Power is often Repugnant to another; and in our Case, the Pope's having Power to Judge some Causes here, without having it, as from or under her, is Repugnant to her Imperial Power, of having all Judges in the External-Court, proceed under and from her: But not the Ministerial Power our Saviour gave to preach his Doctrine. and feed his Sheep; a part whereof, is to render to *Cesar*, what is *Cesar's*. In the Preamble, we hear only of *Usurp'd* Power, taken from the Pope by *K. H. 8th*. And who can think, that it here calls the Power our Saviour gave to preach, *Usurp'd*? But, least one should think, they meant not to call the Power which our Saviour gave, *Usurp'd*, but to call his pretence of being Chief Preacher, so; let him consider, how the *Antient Jurisdiction of the Crown restor'd* is put both here and every where, as relative to it: So that, where-ever there is mention made of Power taken from the Pope, there is also mention made of Power restor'd to the Crown; and where ever of Power restor'd to the Crown, also of Power taken from the Pope: Which gives one reason to think, that none was taken away from Him, but what was given to the Crown; nor any thing given to the Crown, but what was taken from Him. And this is render'd more evident, by Bishop *Bramhal's* Words, *Schism Guarded*, p. 340. *Whatsoever Power our Laws did devest the Pope of, they invested the King with it.* Now, this being so, how is it possible, they should apprehend the Pretence of being Chief

Chief Preacher or Pastor, though false, so usurp'd, as to belong of Antient Time to our Crown, and to be now restor'd to it?

22. Next, by the Fruit, let him know the Tree: And, what is all the Good Fruit there mention'd, as proceeding from what was taken away from the Pope, and restor'd to the Crown? *Being kept in good Order, and freed from intolerable Charges:* which are Temporal Fruits. And, what is all the bad Fruit there mention'd, as proceeding from the Pope's having got all his Old Power again, by Queen Mary's Act of Repeal? *Bondage under an Usurp'd-Forreign Power, to the intolerable Charges of the Subjects.* If this be all the Fruit that grew upon all the Stocks of Power he had formerly taken from him, could any of them be any other, than the Temporal Stock of Power, opposit to that by which the King kept them in good Order, or of Power to get Money? And, lastly, since this Preamble desires nothing but Freedom from these Evils; who can imagin, that this Act speaks of any other Roots but these, to be pluck'd up? Especially, since in that Part of the Act, in which this Power is taken away, it is still all call'd *Usurp'd*, all call'd *Spiritual* or *Ecclesiastical*: Which Words, as being in our Law, must determin the word *Power*, to import *Temporal*.

23. Lastly, The Title of the Act, 5 Q. Eliz. cap. 1. being *An Act for the Assurance of the Queen's Majesties Royal Power, over all States and Subjects within her Dominions*; the word *Power*, as often as 'tis us'd in the Act, must be understood in a Sense conducing to the Assurance of *Royal Power*; except one should think the Law-makers to be so Imprudent, as to use it in a Sense no ways conducing to effect their Design: and what only Sense conduces to that end, we have already seen. Moreover, the Preamble declaring no Design, but the Preservation

of the Queen, and the Dignities of her Crown, and the avoyding of Mischiefs, that have befallen Her, her Crown, and Subjects, by reason of the Usurp'd Power of the Sec of *Rome*, all the VVords of the Act are to be understood of no other Power, than that which is the Reason or Cause of those Mischiefs, and of that *only*; which being taken away, the Ends aim'd at will be compass'd: and this for the same Reason alledg'd before. And now, being come to the end of our View of every Particular deny'd by the Acts: And being conscious, that every particular Power deny'd to the *Pope*, is Temporal; we may solidly conclude, that all deny'd him, is such.

24. For a Second Proof of the said Second Proposition, let us reflect, how it is altogether unreasonable to think, that these Acts take away any Power from the *Pope*, of which they express no dislike, nor make any Complaint, of its being in him; and how our Eyes testify, that they signify no dislike of his Preaching Power: But only of his Power, which was a Diminution of the King's Power, as being Part of it, and so Repugnant to its being intirely in him; and of his Power to exact Mony, for Dispensations, Licences, &c. which was chargeable to the Nation; and which was far different from that other, which Christ gave him.

25. For a Third Reason, 'tis incredible they would have done a thing in these Acts, no wayes conducing to the Design they express themselves to have in them, (which only we ought to judge they had.) For they only speak of restoring what was Usurp'd from the Crown, and abolishing what was Repugnant to its being Restor'd; of freeing the Subjects from inconvenient Laws, Judicatures, and great Charges; of securing the Queens Person, her Royal Authority over her Subjects, and their Allegiance to her. To the compassing
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of which End, the taking away the *Pope's* Power to preach *Christ's* Doctrine, (which enjoyns the giving the Crown its due, and is no Power to oppress People by Inconvenient Laws, or Exactions of Money in the Cases complain'd of; nor to prejudice the Queen, or her Sovereignty over her Subjects, or their Allegiance to her) is no way conducing: VVhen as the taking the afore-said Temporal Powers away, is very much, as I have already prov'd.

26. For a Fourth Reason, we may reflect, that this Act, both by its Title and Preamble, seems to intend, the Exclusion of only what *K. H. 8.* excluded, in his here approv'd and reviv'd Acts; only with this Difference, that this seems to do, at once, and in general VVords, what his did by Parts, and in more particular Terms. And he, as we have seen by looking into all Particulars, excluded not the *Pope*, as *Pastor*. More-over, as he did, what he did; so he did fully what *Catholick* Kings shew'd him Example to do. If one may take his VVord in the Preamble to the Statute, 24. King *Henry* the 8th. cap. 12. and the exprefs VVords of his Proviso, An. 25. cap. 21. after which he did nothing of Note, besides ordering that Bishops should have their Bishopricks, and preach without the *Pope's* Order; as they did for a long time among the *Brittains*, and others. Also, we may gather their Senses are the same, from alike way of proceeding, and speaking, in Law.

27. For a Fifth, That 'tis unreasonable to think, that this Parliament should in this Act exclude the *Pope's* purely Spiritual Power, as far as it is held to be a Tenet of *Catholick* Religion all over the VVorld; and in the same Act, revive the afore-said Proviso, that formerly commanded it should not be excluded: Except we should say, that it had at the same time, a mind it should, and

and should not be kept in. *Kept in*, because the will they had, that the Words of the former Statute, should not be taken in a Sense contrary to the Religion of the then *Catholick Church*, which believ'd Religiously, the said purely Spiritual Power of the Pope, (which will these Men express'd, by Reviving the *Proviso*) could proceed only from a mind; that no such Religious Tenet, nor consequently this of the Pope's purely Spiritual Power; should be deny'd: And, *Not kept in*, if in this it denies or excludes it. And, that the *Proviso* commands that, is clear; for it runs thus:

28. *Provided alwayes, that this Act, nor any Thing or Things therein contained, shall be hereafter interpreted, or expounded, that your Grace, your Nobles, and Subjects, intend by the same to decline, or vary from the Congregation of Christs Church, in any Things concerning the very Articles of the Catholick-Faith of Christendom; or in any other Things declared by Holy Scripture, and the word of God, necessary for Your and Their Salvation: But only to make an Ordinance by Policies, necessary and convenient to repress Vice, and for good Conservation of this Realm in Peace, Unity, and Tranquility, from Rapine and Spoyl; ensuing much the old Antient Customs of this Realm, in that Behalf: Not minding to seek for any Reliefs, Succours, or Remedies, for any worldly Things, and Human Laws, in any Case of Necessity within this Realm, but at the Hands of your Highness, your Heirs and Successours, Kings of this Realm: which have, and ought to have an Imperial Power and Authority in the same; and not oblig'd in any worldly Causes, to any other Superior.*

29. A Sixth Reason is, Because a *Proviso* of the last Act, 5 *Eliz. cap. 1.* sayes thus: *Provided alwayes, that for as much as the Queen's Majesty is otherwise sufficiently assur'd of the Faith and Loyalty of the Temporal Lords, of her*

her Highnesses Court of Parliament: Therefore, this Act, nor any Thing therein contained, shall not extend to compel any Temporal Person, of or above the Degree of a Baron of this Realm, to take or pronounce the Oath above-said; nor to incur any Penalty limited by this Act, for not Taking, or Refusing the same; any thing in this Act, to the contrary, in any wise notwithstanding. Where we see, the Queen's being, without this Act and Oath, sufficiently assur'd of the Temporal Lords Faith and Loyalty, is brought as a Reason, why neither it, nor its Oath belongs to them; which would have been no Reason, in case it had been also to deny the Pope's being Chief Preacher, (or such a Preacher, as is to have a particular Care, that all Christians, and English among the rest, know and practise Christ's Doctrine; and that all Preachers, and English amongst the rest, Preach, and help others under them to Practise the same.) For the Act and Oath being, in this Supposition, made upon two Accounts; to wit, for the Assurance of Allegiance, and Denyal of Religion; the Act might have belong'd to them, and the Oath might have been offer'd them, (though the Queen had been other-wise assur'd of their Allegiance) for Denyal of that Part of Religion, which the Queen was so far from being other-wise assur'd that they did deny, that she otherwise certainly knew that, abundance at least of them, did constantly profess it.

30. For a Seventh and last Reason, I alledge, that they could not intend to make People swear in the First and Fifth of her Reign, (when this Oath was made and enjoyn'd) that the Pope had not the Power of a Pastor then in England; when as they certainly knew, he had and exercised such a Power over Multitudes of Catholics, that then were by the State, permitted to Live in, and profess an Obedience to him, as such: Especially, if
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it be found, that the greatest Part of this Parliament; were *Catholicks*; which would not vote the Forswearing of their Faith. And if they did not intend it, their VVords do not signify it. If it be said, they could not intend, to make the People swear he had not, *de facto*, such a Power, (since every Body knew this to be evidently False,) but that he had not, *de jure*, or ought not to have such a Power. I answer, 1st. That the Words are; *And that no Forreign Prince, &c. hath or ought to have any Jurisdiction, &c. within this Realm*: And unless one will say, that *Hath*, and *Ought to have*, are just the same; and that *Hath* has not its Signification, as well as *Ought to have*, (which is not very likely) the Meaning must be, that he hath not, *de facto*, the Power they there speak of: Which infers, that they there speak not of Pastorall Power.

3^d. Next, I answer, That this Argument evidently concludes, what it endeavour'd; to wit, that they could not intend, that the Words of the Oath should signify, that the *Pope* had not any Pastorall Power in *England, de facto*. And hence, I argue, that they could not intend to take them, in the whole Latitude of their Sound; and also, that they intend to exclude no Pastorall Power, *de jure*: First, Because their Words speak no more of this, than they do of that, of which they speak not at all: Next, Because 'tis not likely, that they should intend to make his Pastorall Power, *de jure*, be abjur'd by some, as prejudicial to the Jurisdctions of the Crown, for example; and that others should not abjure it, but be irreprehensibly permitted to believe, and profess it. Lastly, Because it was *Premunire* and *Treason*, to hold or profess, what the Acts deny'd the *Pope*: But it was neither *Premunire* nor *Treason*, for a Lord or other, in those dayes, to profess himself a *Catholick*, (though it was punish-

punishable, not to be at Common-Prayer: which includes the holding and professing the *Pope's* Pastorall Power *de jure*, as well as *de facto*: Therefore, it evidently was not this Pastorall Power *de jure*, that was there deny'd.

32. Having thus seen, that neither the Words of the Oath, nor the Acts, to the Profession of whose Sense only the Oath is ordain'd, deny the *Pope's* Pastorall Power; let us in the last Place see, whether the Explication given it by Act of Parliament, 5 *Eliz. cap. 1.* denies it: For, if this doth not, nothing doth that concerns it and us. Now, this Act makes that to be the Sense of the Oath, which the Queen gives it in her *Admonition*: And sums up the Sense of the *Admonition* in short, to be, *To confess and acknowledge in her Majesty, her Heirs and Successors, none other Authority, than that was challeng'd and lately us'd by the Noble King Henry the Eighth, and King Edward the Sixth, as in the said Admonition more plainly may appear.* Now, since the whole Design here spoken of, (which is to be suppos'd all of it) is the confessing of Power in the Queen, the Negative Part is to be taken to signify no farther, than to deny to another, what is confess'd to be in the Queen; else the whole Business of the Oath would not be Confessing of Power in her: Whence evidently follows, that they are not to be taken in a Sense, exclusive of the *Pope's* Pastorall Power. The *Admonition* it self, is as follows.

An Admonition to Simple Men, deceived by Malicious.

33. *The Queens Majesty being inform'd that in certain places of the Realm, sundry of her Native Subjects being call'd to Ecclesiastical Ministry in the Church, be by sinister*

*Persuasion and perverse Construction, induced to find some
 scruple in the form of an Oath, which by an Act of the last
 Parliament is prescribed to be requir'd of divers Persons for
 the Recognition of their Allegiance to her Majesty, which
 certainly never was ever meant, nor by any Equity of words
 or good sense can be thereof gather'd; would that all her
 loving Subjects should understand, that nothing was, is or
 shall be meant or intended by the same Oath, to have any
 other duty, Allegiance or bond required by the same Oath,
 than was acknowledged to be due to the most noble Kings of
 famous Memory, K. Henry the 8th. Her Majesties Father,
 or K. Edward the 6th. Her Majesties Brother. And far-
 ther, her Majesty forbiddeth all manner her Subjects, to
 give ear or credit to such perverse and malicious persons,
 which most sinisterly and maliciously labour to notify to her
 loving Subjects, how by words of the said Oath, it may be
 collected that the Kings or Queens of this Realm, Possessors
 of the Crown, may challenge Authority and Power of Mini-
 stry of Divine service in the Church: wherein her said Sub-
 jects be much abused, by such evil-disposed persons; for cer-
 tainly, her Majesty neither doth nor ever will challenge any
 other Authority than that was challeng'd, and lately us'd by
 the said noble Kings of famous Memory, K. Henry the 8th.
 and K. Edward the 6th. which is, and was of ancient time
 due to the Imperial Crown of this Realm. That is, under
 God to have the the Sovereignty and Rule over all manner
 of persons born within these Realms, Dominions, and Coun-
 tries, of what estate (either Ecclesiastical or Temporal) soever
 they be, SO AS, no other forreign Power shall or ought to
 have any Superiority over them. And if any person that
 hath conceived any other sense of the form of the said Oath,
 shall accept the same Oath, with this Interpretation, sense or
 meaning, her Majesty is well pleased, to accept every such in
 that behalf, as her good and obedient Subjects, and shall ac-
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quit them of all manner of Penalties contain'd in the said Act, against such as shall Peremptorily or Obstinateley refuse to take the same Oath.

34. That the Popes Pastoral or purely Spiritual Power is not deny'd in this Admonition, may be collected from her saying there, that the Oath was requir'd of certain Persons for the Recognition of their Allegiance, and such as was in Ancient (and so Catholick) times, due to the Crown. For the Recognition of which, no Exclusion need or ought to be made of that Power of the Pope which is no way Repugnant to it, but so he use his Power as he ought (and if he do not, he is not to be obey'd) a Commander of it. Next, from the words, *so as no forreign power, &c. shall or ought to have any Superiority over them.* First, because the proper and common (that is, first) sense of the words *Power* and *Superiority*, is Temporal. Next, because *Superiority* is not joynd here to the Pope, as Prelate, but as forreign Power or Prince. And therefore, is by being apply'd to it, determin'd to a civil sense; and so are both of them determin'd to the same, by being us'd in an explication of a Law, and in a matter of Allegiance and Sovereignty over all Persons.

35. Lastly, because the words *SO AS* must either retain their most proper sense, and be an answer, to the Great Question that caus'd this Admonition, which was, how she pretended to be Supream Governour in all causes Spiritual? whether as a Queen, or as an Administer of divine service in the Church? which therefore, seems to be a sense of those words directly belonging to her Purpose: And then, 'tis evident that the following words can signify only Temporal Authority. For, if it be ask'd after what manner, is the Queen Supream Governess? whether after a Civil or Spiritual manner? and it be answer'd,

after such a manner as no foreign power hath or ought to have any Superiority; (which is the same, as if it had been answer'd, after a civil manner; since it was then known to all, that no foreign power had a Superiority after a civil manner, and as certainly known that the Pope had one, *de facto*, at least, after a Spiritual manner) It follows out of this Answer, that she hath the Supreme Government, after a Civil manner; because, 'tis the same thing to say, she hath the Supreme Rule after that manner, as no Forreigner hath any; as to say, she hath it after a Civil Manner: Of which Truth, she endeavour'd to perswade simple deluded People.

36. Or the words *SO AS* must mean the same as *SO THAT*. And then we must either say the Pope's Pastoral power is not excluded by the words following; or else that no Coherent sense is in them. For in case it be excluded, the sense must be, The Queen hath the whole Temporal rule over all persons, so that no Forreigner hath power to Preach Christ's Doctrine; or she is Queen, so that no Forreigner is a Preacher or Pastor: might not she as pertinently say, she is Queen, so that no French Man is or ought to be a Dancing Master? Indeed, if she had taken upon her to have the whole power to Preach, she might have said she is Preacher, so that no Forreigner hath, or ought to have any power to preach here; for her having the whole power, hinders any body from having any of it, except under or from her: but not, now, she renounces that: For, the being a Queen, is not at all inconsistent with another's being a Preacher. Hence the sense can be no other than either this, *she hath the Rule here, and no body hath any part of it, which is the same, as she hath the Rule, and all the Rule*: or else this, *she hath all the Rule*, whence it follows, that no Forreigner hath any part of it, as he pretended.

37. Lastly, from the Queens saying, that *she will accept of those that take the Oath in the above said Sense, as her good and obedient Subjects*; which seems to signify, that this Oath was intended, not to know of what Religion People were, but to know who were *Good and Obedient Subjects*; which they may be as well without denying the *Pope's* preaching Power, as with it. Hence, it is extremely more probable, at least, that the *Admonition* doth not exclude the Pastoral Power, than that it doth; and so, 'tis a sufficient Ground for any one to say to a Justice of Peace, I intend to take this Oath in the Sense, which to the best of my Judgment, is given it by Act of Parliament: Which, as it is sufficient for the Satisfaction of my Conscience, (in case there be no Scandal) for I in my Conscience, judge, that the King hath the Rule of this Kingdom, and that the *Pope* hath no part of it; and this only I acknowledge upon Oath. Next, I truly say, that this Sense, and no other, is to the best of my Judgment, (though this may possibly be misinform'd) the Sense given it by Law; and in this, and no other, I take it: So, he can require no more of me, who being to understand it, and take it in the Sense of the Law, do my best to do both right. And, moreover, agree with almost all (as far as I can learn; all) *Protestant* Authors, in holding this to be the Sense of the Law and Oath: And consequently, am not to be deny'd Leave to take it in this Sense, upon pretence that the Sense I take it in, is not allowable, since 'tis allow'd Publickly.

38. Since then (as we shall find, if we reflect back upon the whole) the *Pope's* Pastoral Power, if excluded, must be excluded, by not taking the Words of the Oath in their most *Common* and *Proper* Sense; to which also they are determin'd by being in Law-Books, by all other words

words of the Oath, by its Design, and the words of all Acts concerning it: Since it must be excluded by speaking, without being spoke of; since it must be excluded by Reason of some dislike, without expressing that Dislike; when as it is the Custom of these Laws, to express the Reason that mov'd the Parliament to do what it did: Since it must be excluded by the Parliament's doing a thing, even in their own Thoughts, nothing conducing to the End they design'd; viz. to *Allegiance, Freedom from Charges, &c.* which a Power purely Spiritual in the Pope no way prejudices: Since it must be excluded by following the Example of *Catholick Kings*, as to manner of Proceeding, Words, Things, and All, except some few Particulars; which look'd into, seem no more to exclude his Pastorship, than what they did: Since it cannot be excluded without the Parliament's *willing*, that like Words of a former Act, should not be taken in a Sense exclusive of it; which could proceed only from a Will to have it not-excluded: And *willing* at the same time, that the Words of this Act be taken in a Sense exclusive of it; which could proceed only from a Will to have it excluded: Since it cannot be excluded without their bringing a Reason for the Lords not taking of it, which was no Reason; without having a mind to swear, that the Pope had *not*, what they certainly saw he *had*; or, at least, to swear he had not a Power, in words that did not signify the Exclusion of it, more than of that they did not exclude: Since it could not be excluded, except it was Treason to profess what was excluded, and not Treason to profess what was excluded; (since if it be suppos'd, that the Pope's properly Pastoral Power was excluded, it was Treason according to the Act, to profess it; and otherwise, we know it was not Treason to profess it; all *Catholicks* be-
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ing not then esteem'd and punish'd as Traitors): Since it could not be excluded, except the Negative Clause be put so, as not to conduce at all to bring about the only Designe of the Oath; which was acknowledging Power in the Queen, professing Allegiance, and Knowledge of who were good Subjects: Nor except the words of the Admonition be taken improperly, and the later part of it be constru'd into Non-sense. Since these Things are so, as likewise, that almost all Words (especially, if not consider'd in their proper Circumstances, as these use not to be, but as they ly in a single Paper, separated from all that belongs to them) are liable to have a wrong Sense forc'd into them; 'tis, I think, as evident as any thing of this Nature can well be; that this which I have endeavour'd to prove to be the Sense of the Oath, is indeed the true Sense of it: And so, as evident, (when these Things are publickly known) as we need desire for our Swearing, that the *Pope's* Power (as of Faith) is not excluded nor abjur'd, what ever may be said of his other Powers, that were in process of Time added to this. Neither am I alone, in this Thought: *Protestant* Divines, of the greatest Note, and very learned in the Law, (which alone seems able to give solid Satisfaction in this Point) bear me company, or rather, I bear them. They may be seen at large cited by Mr. *Cressy*, in his Reflexions upon the Oaths, pag. 27. to 33. and in the *Seasonable Discourse* about the Oaths of *Allegiance* and *Supremacy*, very lately Printed, from p. 27. to p. 32. The Sum of their Sense is this, That they clear both the Affirmative and Negative Clause in the Oath, from intending either to exclude the *Pope's* Pastoral, Supernatural, purely Spiritual, or Ministerial Power of the Keys, or to give (as I have shewn) any such Power to the King; and this in as express Words, as can be invented:

vented: Which, lest this Treatise should be any way defective, I shall here repeat.

Dr. Bilson,
Of Subject.

2. Par.
p. 218.

Id. ibid,
p. 256.

39. In Queen Elizabeths reign, we have the Testimony of Doctor Bilson, afterwards Bishop of Winchester, whose expressions are these; *The Oath* (saith he) *expresseth not the duty of Princes to God, but ours to them. And as they must be obey'd when they joyn with the Truth, so must they be endured when they fall into error. Which side soever they take, either obedience to their Wills, or submission to their swords, is their due by Gods Law. And that is all which our Oath exacteth.* Again, *This is the supreme power of Princes, which we soberly teach, and which you*

[JESUITS] *so bitterly detest, That Princes be Gods Ministers in their own Dominions; bearing the Sword, freely to permit, and publickly to defend that which God commandeth in Faith and good Manners; and in Ecclesiastical Discipline to receive and establish such Rules and Orders, as the Scriptures and Canons shall decide to be needful and healthful for the Church of God in their Kingdoms. And as they may lawfully command that which is Good in all Things and Causes, be they Temporal, Spiritual, or Ecclesiastical: So may they with just Force remove whatsoever is Erroneous, Vicious, or Superstitious within their Lands, and with External Losses and Corporal Pains repress the Broachers and Abettours of Heresies, and all Impieties. From which Subjection unto Princes, no Man within their Realms, Monk, Priest, Preacher, nor Prelate is exempted. And without their Realms no Mortal Man hath any Power from Christ, judicially to depose them, much less to invade them in open Field; least of all, to warrant their Subjects to rebel against them.*

Ibid. p. 173.
in marg.

Ibid, p.
252.

Moreover, intending to explain in what sense Spiritual Jurisdiction seems by the Oath to be given to Princes, he saith first: *We make no Prince Judge of Faith.* And then more particularly: *To devise new Rites and Ceremonies;*

monies, for the Church is not the Princes Vocation: But to receive and allow such as the Scriptures and Canons commend, and such as the Bishops and Pastors of the Place shall advise, not infringing the Scriptures or Canons. And so, for all other Ecclesiastical Things and Causes, Princes be neither the Devisers nor Directors of them; but the Confirmers and Establishers of that which is Good, and Displacers and Revengers of that which is Evil. Which Power, we say, they have in all Things and Causes, be they Spiritual, Ecclesiastical, or Temporal. Hereto his Adversary is brought in replying; And what for Excommunications and Absolutions, be they in the Princes Power also? To this he answers; The Abuse of Excommunication in the Priest, and Contempt of it in the People, Princes may punish. Excommunicate they may not, for so much as the Keys are no part of their Charge. Lastly, to explain the Negative Clause in the Oath, he sayes; In this sense we defend Princes to be Supreme, that is not at liberty to do what they list, without regard of Truth or Right: But without Superior on Earth to repress them with violent Means, and to take their Kingdoms from them. Thus Doctor Bilson; whose Testimony may be interpreted to be the Queens own Interpretation of the Oath; since, as appears by the Title page of his Book, what he wrote was perused and approved by Publick Authority. And to such a Sense of the Oath as this, there is not a Catholick Clergy Man in France, Germany, Venice, or Flanærs, but would readily subscribe.

40. In the next place, suitable to him, Doctor Carleton in King James his time, thus states the Matter: Be-larmine (saith he) disputing of Jurisdiction, saith, There is a Triple Power in the Bishop of Rome: First, of Order, secondly, of Internal Jurisdiction; thirdly, of External Jurisdiction. The First is refer'd to the Sacraments; the Se-

Ibid. p.
218.

Carleton of
Jurisdiction.
c. 1. p. 8, 9.

second is Inward Government, which is in the Court of Conscience; the Third to that External Government, which is practised in External Courts. And confesseth, that of the First and Second there is no question between us, but only of the Third. Then of this (saith Carleton) we are agreed, that the Question between us and them, is only of Jurisdiction coactive in External Courts, binding and compelling by Force of Law, and other External Mulcts and Punishments, besides Excommunication. As for Spiritual Jurisdiction of the Church standing in examination of Controversies of Faith, judging of Heresies, deposing of Hereticks, excommunication of notorious Offenders, Ordination of Priests and Deacons, Institution and Collation of Benefices and Spiritual Cures, &c. this we reserve intire to the Church, which Princes cannot give or take from the Church. This Power hath been practised by the Church, without Coactive Jurisdiction, other than of Excommunication. But when Matters handled in the Ecclesiastical Consistory, are not Matters of Faith and Religion, but of a Civil Nature; which yet are called Ecclesiastical, as being given by Princes, and appointed to be within the Cognisance of that Consistory: And, when the Censures are not Spiritual, but Carnal, Compulsive, Coactive; here appeareth the Power of the Civil Magistrate. This Power we yield to the Magistrate, and here is the Question, Whether the Magistrate hath right to this Power or Jurisdiction, &c? This then is the thing that we are to prove, That Ecclesiastical coactive Power, by force of Law and corporal Punishments, by which Christian People are to be governed in external and contentious Courts, is a Power which of right belongeth to Christian Princes. Again, afterward he sayes; Concerning the Extention of the Churches Jurisdiction, it cannot be denyed, but that there is a Power in the Church, not only Internal, but also of External Jurisdiction. Of Internal Power there is no question made.

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Id. *ibid.*

p. 42.

External Jurisdiction, being understood all that is practised in External Courts, or Consistories, is either Definitive or Mulctative. Authority Definitive in Matters of Faith and Religion, belongeth to the Church. Mulctative Power may be understood either as it is with Coaction, or as it is referred to Spiritual Censures. As it standeth in Spiritual Censures, it is the right of the Church, and was practised by the Church, when the Church was without a Christian Magistrate, and since. But Coactive Jurisdiction was never practised by the Church, when the Church was without Christian Magistrates: But was alwayes understood to belong to the Civil Magistrate, whether he were Christian or Heathen. After this manner doth Doctor Carleton, Bishop of Chichester, understand the Supremacy of the King, acknowledged in the Oath.

41. In the last place, Doctor Bramhal, Bishop of Derry in our late King's dayes, and now Arch-Bishop of Armagh, thus declares both the *Affirmative* and *Negative* Parts of the Oath, touching the King's Supreme Authority in matters Ecclesiastical, and renouncing the Pope's Jurisdiction in the same, here in England, in his Book called *Schisme Guarded*, &c. The sum of which Book is in the Title-page exprest to consist in shewing. *That the great Controversie about Papal Power, is not a question of Faith, but of Interest and Profit; not with the Church of Rome, but with the Court of Rome, &c.* This Learned and Judicious Writer, thus at once states the Point in both these Respects. *My last Ground (sayes he) is, That neither King Henry the Eighth, nor any of his Legislators, did ever endeavour to deprive the Bishop of Rome of the Power of the Keys, or any part thereof; either the Key of Order, or the Key of Jurisdiction: I mean, Jurisdiction purely Spiritual, which hath place only in the inner Court of Conscience, and over such Persons, as submit willingly.* Nor

Schisme
guarded.

did ever challenge or endeavour to assume to themselves, either the Key of Order, or the Key of Jurisdiction purely Spiritual. All which they deprived the Pope of, all which they assumed to themselves, was the External Rigiment of the Church by Coactive Power, to be exercised by Persons capable of the Respective Branches of it. This Power the Bishops of Rome never had, or could have justly over their Subjects, but under them whose Subjects they were. And, therefore, when we meet with these words, or the like, (That no Forreign Prelate shall exercise any manner of Power, Jurisdiction, &c. Ecclesiastical with this Realm) it is not to be understood of Internal, or purely-Spiritual Power in the Court of Conscience, or the Power of the Keys, (we see the contrary practised every day) but of External and Coactive Power in Ecclesiastical Causes, in Foro contentioso. And, that it is, and ought to be so understood, I prove clearly by a Proviso in one main Act of Parliament, and an Article of the English Church. [Which Act and Article have been produced above.] The Bishop continues: They (that is, the Parliament) profess, their Ordinance is meerly Political: what hath a Political Ordinance with Power purely Spiritual? They seek only to preserve the Kingdom from Rapine, &c. And then having produced the Article, he concludes: You see the Power is Political, the Sword is Political, all is Political. Our Kings leave the Power of the Keys and Jurisdiction purely Spiritual, to those to whom Christ hath left it. Nothing can be more express, than this so clear a Testimony of so Judicious a Bishop, touching the King's Supremacy, in matters Ecclesiastical, acknowledged by Oath.

Abid. p. 169.

42. Again, the same Bishop thus further adds: where-soever our Laws do deny all Spiritual Jurisdiction to the Pope in England, it is in that Sense that we call the Exterior Court of the Church, the Spiritual Court. They do not intend

send an all to deprive him of the Power of the Key, or of any Spiritual Power that was bequeathed him by Christ, or by his Apostles, when he is able to prove his Legacy. To conclude, omitting a World of other Passages to the same effect, he saith; *we have not renounced the Substance of the Papacy, except the Substance of the Papacy do consist in Coactive Power.* Ibid. p. 219.

43. And that we may see this still continues the Sense of the Protestant Church (and consequently of the State) even to this day, Mr. Falkner of Lynn Regis, in his Book entituled, *Christian Loyalty*, so lately Printed, that it was Antedated 1679, and dedicated to the Arch-Bishop of Canterbury, Page 200. gives us the Sense of this Oath in these Words: *This Oath tending, according to the Designe of that Statute by which it was Establish't, to restore to the Crown its Antient Jurisdiction, that Authority which is chiefly rejected thereby, is such as invaded or oppos'd the Royalty of the King; and particularly, that which claimeth any Suprema Cognizance of Ecclesiastical Affairs, as if they were not under the Care of the Temporal Power, or that pretendeth to any other Authority above and against the Just Rights of the Crown.*

44. Now, that such Authors, (especially the Three first) so Universally read, by all Learned Men in their respective Times, and (doubtless) amongst others by Thousands learned in the Law, should pass without any the least Reprehension for interpreting the Oath and our Laws wrong, in case they had, in such their Declarations and Expositions, declin'd from the true Sense of the Lawgivers; nor be discountenanc't by those respective Princes, as diminishing the Extent of their Power, or by the Protestant Church and State; for reserving more to the Pope than was meant by them, when they requir'd Roman Catholicks to take the Oath; but, on the contrary, that their Works should pass without the least Con-

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troll and Censure; nay, be Universally receiv'd with the highest Esteem and Applause; and that their Persons should be so Careless and Advanc'd by those Princes, is a Riddle past mine or any man's Solving. Princes and States use not to be so supine in such Matters, as to permit a wrong Sense to be impos'd upon their Laws; least of all, those who are not in Communion with *Rome*; especially, when their own and the *Pope's* Authority are concern'd: And yet, we must either say, that such Persons, in such Matters, were thus strangely negligent; or else be forc't to acknowledge, that in the Sense of all *England*, the Lawyers there, and even of our Princes themselves, that was the True and Legal Sense of the Oath of Supremacy, which those eminent Authors assign'd and declar'd. This Argument will have far greater Force, if we add, that not one *Protestant* Author amongst so many, that have either written expressly, or touch't upon that Subject, was ever found, who contradicted this Explication of theirs, or affirm'd any Power *purely Spiritual*, to be given the King, or taken from the Pope by this Oath: Which, the Fancies of Mankind, (especially those of many several Judgments in other things, and all of them averse to the Pope) and the Opinions of Writers, being naturally so various, evidences that this Sentiment of theirs concerning the above-said Meaning of the Oath, was not only *Universally*, but moreover *Firmly* and constantly held as an undoubted Truth. And let it be noted here, that all these four Learned Authors speak of the Oath, both as to the Affirmative and Negative Clause in it; that is, both of what they attribute by it to the King, and deny by it to the Pope. Out of which Discourse it follows, that though these Testimonies taken singly, do not amount to a Publick Declaration of the Sense of the Oath; yet taking them jointly,

joyntly, with all their respective Qualifications and Circumstances, they evidently argue, that the Sense they and we affix to the Oath, is agreed to by all sorts of intelligent People in *England*, to be indeed the True Sense of it: Which Universal Consent seems equivalent to any Publick Declaration whatsoever.

Section III.

Objections Answer'd.

NOTwithstanding the Evidence of what we produc'd above, mens Fancies, Interests and Humours being various, there remain diverse Scruples in the minds of many, and I will endeavour to ease them of those that have come to my knowledge, and seem any way Material.

I. First, 'Tis Objected that the words of the Oath deny all manner of *Power* to the Pope. But how could they do otherwise? Had they gone about to have number'd all the particulars which they intended to Abolish, besides that 'twould have been extremely tedious (in an Oath especially), some perhaps would have escaped their utmost diligence. Had they excluded *Ordinary Power*, *Extraordinary* or *Delegate* might still have pretended. The Abolishing the *Legatine*, might have left that *Ex plenitudine Potestatis*; *Annates* had not taken away Appeals; ;
nor

nor Appeals, Habilitating to Inheritances, &c. Nor they Expectatives, nor Reservatives, nor *Non-Obstantes*, &c. Had they gone that way to work, whatsoever had not been expressly named, would have been understood not comprehended; and then a new Law or a new Oath must have been made for that; and then another might have been found out, and no end have ever been. Wherefore, to compass what they intended, it was necessary to use a General Expression, which they knew was to be understood as all Rules of Law and Language require it should, of the matter in hand: so that [*No Power*] here imports as much as *no Civil Power*, no Power repugnant to the Kings *Governing Power in all Causes*, no such power as Queen Elizabeth and her Ancestor-Princes had of old in this Realm, as was largely shown above. And hence, to take the Oath right, one ought to think not of the single words taken in their whole Latitude as divested of Circumstances, but as taken in Complexion with them; it being but a very Odd-Scrupulosity to think the Oath is to be taken in such a manner as if one did not live in the world, nor knew any thing of it's Circumstances; but were today aside all knowledges he had gain'd all his life, except onely of the signification of those very Words, abstracting from all Subjects of which they may be conceiv'd to speak; which amounts in other Terms to this, that, while they take the Oath, they must lay aside all use of common sense; nay, and swear too they know not what: for, laying aside the knowledge of all Circumstances, every word in the world is ambiguous.

2. 'Tis objected, Secondly, that the Church of *England*, which may be presumed to understand this Oath best, says in the latter part of the 37th Article, in which it seems to relate to the Negative part of this Oath, that

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the Bishop of Rome hath no Jurisdiction in this Realm of England. 'Tis answered, the proper and primary sense of the word *Jurisdiction*, is the Powers of a Magistrate giving Sentence according to Right or Law, with Authority in External Courts, to make it be Executed; from whence in a secondary signification, 'tis transferr'd to the inward Court of Conscience. But it carries it's notion in it's Terms: *Dictio Juris*, or *Jus dicere* importing in it's first, and obvious sense to determin' with Authority which may force Obedience to what is Sentenced. This it seems, is all which the Church of England understands deny'd to the Pope by the Oath, which Bishop Charleton cited above, in terms acknowledges, by saying, that *There is no question between us, concerning the Internal Jurisdiction of the Bishop of Rome; but only the External:* And this plainly relates to the Judiciary Power spoken of. Especially, since the Church of England here speaks of *No Jurisdiction* of the Pope, immediately after she had spoke what was due to the King; and consequently, in the same Sense here, as she did there; that so, by saying the Pope had *No Civil Jurisdiction*, she might signify, that the King had not only Civil Power, but also *all of it*, since the Pope hath now none, who had *some* formerly; else we must come to the before-noted Inconsequent way of speaking, *He is King here, and the Pope is not a Preacher or Pastor here.* That I may not omit, that she speaks here in reference to our Laws, which speak of Jurisdiction in this Sense only, and which took from the Pope only this kind of Jurisdiction.

3. And this is fully and clearly affirmed by the fore-said Dr. Bramhal, *Schism Garded*, p. 308. as above cited. And again, p. 340. *Our Laws do not intend at all to deprive the Pope of the Power of the Keys — in relation to*

Charleton Of
Jurisdiction,
c. 1. p. 8, 9.

England it self: Our Parliaments did never pretend to any Power, to change or abridge Divine Right, &c. — for the Whole is too long to be Transcrib'd, and yet 'tis fit it should be read. Again, p. 337. Our Ancestors cast out External Coactive Jurisdiction; the same do we. They did not take away from the Pope the Power of the Keys, or Jurisdiction purely Spiritual; No more do we. We have a second, or at least a Confirmation of this Answer, in *Franciscus a Sta Clara's* Paraphrastical Explication of the 39. Articles of the Church of England, pag. 412. where he sayes on the above-said Negative Passage of the 37. Articles, That, peradventure, it meant only to deny England to be held in Fee from the Pope, by virtue of King John's Donation, Submission to, and Reception of his Crown again, from Innocent the Third, and his Promise of paying Tribute to the Pope for it. This vain, ridiculous, empty Title, (as Sir Thomas More himself called it, *Inanem Titulum*) was that peradventure, sayes the fore-said *a Sta Clara*, which that Negative Passage of the 37. Article rejected. For the Lawful Rejection of which, he brings Proofs sufficiently convincing in the Page now quoted. But whether or no he ghesles aright at the Meaning of that Passage, it matters not much; since the Objection has been otherwise already and sufficiently answered.

4. A Third Objection proceeds from King James's saying, That the Oath of Supremacy was devised for putting a Difference between Papists, and them of our Profession: And Bishop Andrews, that the Oath of Supremacy was made to discover those who acknowledg'd the Pope's Primacy, and deny the King's. Whence it seems to follow, that what ever Sense this Oath might have had in Q. Elizabeth's Dayes, yet King James gave it another, opposite to a Tenet held generally by Catholics; else how could

it distinguish them, in case there was no Sense opposit to such a Tenet? For in this case, they might take it as well as the rest, and not be distinguished from them by taking it. And the Sense *K. James* gave it, *seems* to continue still, since no Body since ever took it out of the Oath. I answer, It doth not follow: For in Supposition, that neither *Q. Elizabeth* gave it that Sense, nor *K. James*, nor he so much as apprehended it to be given by her; yet, since he saw, that all *Catholicks* did apprehend it in a Sense opposit either to some Religious Tenet of theirs, or at least, some other Position, which they judg'd True; and upon that account did as constantly refuse it, as if it had really deny'd such a Tenet or Position; he might if he pleas'd, make use of their Refusal, as a way (though *needless*, as *Bishop Andrews* observes) to know they were *Catholicks*. And as this Argument doth not prove, that he did give it a New Sense, different from what *Q. Elizabeth* gave it; so 'tis evident, he did not. For, that Sense must have been either opposit to the Queen's, and this he did not give it, since he let the Queen's Act remain unrepeal'd; by which it necessarily retain'd her Sense, with which its Opposit could not be: for a Sense exclusive of Pastoral Power, must have been superadded to the former Sense; and this he also did not: First, because, since he takes not that Power to himself, the Words will not with good Sense, bear the Exclusion of the *Pope's* Power: Next, because he in his Apology for the Oath of Allegiance, pag. 46. declares himself not to be against this Power of the *Pope*; saying, That he could be content, that the Bishop of *Rome* were Patriarch of the *west*, and were the First among all Bishops, and *Principes Episcoporum*, so as he be no otherwise, than as *Peter* was *Princeps Apostolorum*; which is all we contend for; and who can

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think,

think, that he put a Sense into an Oath, to make People forswear, what he himself did not dislike?

5. Lastly, because this could not have been done by him, so at least, as to oblige *Catholicks*, by reason of its being in, not to take the Oath, in case it were otherwise lawful; except he had declar'd by Law, or at least, by some Authentick Act, such a Sense to be newly put into it: For, in case they had not known of it, it would have been all one to them, as if it had not been in at all: And how should they know of it, unless it had been some such way made known to them? Neither will an accidental and ambiguous Sentence in a Book, be, in the Judgment of any wise Man, a sufficient Declaration of his Mind. Moreover, the Case seems to be this; He did not doubt, but that a great many of his *Catholic* Subjects were Loyal; but did doubt, some were not: And had a mind to know, who was of the former, and who of the later Sort; but could not by the tendering the former Oath, which both Sorts refus'd. Hence he, out of Kindness to the Loyal, made another Oath, which he thought These would, and Those would not take. And this is all the apparent Reason of his former Assertion; except He, or Bishop *Andrews* might be of the general Opinion of *Catholicks*, that, that Oath was begun and continued, with design to distinguish them from *Protestants*. For, besides this, to think, as some Speculators seem to do, that *K. James* design'd the very Action of taking the Oath, though the Sense of it were held True by *Catholicks*, to be a new Sign, to signify as much as these Words, *I am no Catholic*, without either Law or other Declaration, is a Conceit as odd, as 'tis groundless. Besides that, these Words writ by Chance, as it were, should have so much weight put in them, seem to me so unreasonable, that
I think

I think it very reasonable to be of the contrary Opinion. But the Truth is, there is a grand Mistake in the Ground of this Objection, and these Authors are indeed misrepresented; for neither of them say, that the Oath of Supremacy was *intended at first*, when it was made in *Q. Elizabeth's* Dayes, to distinguish *Catholicks* from *Protestants*; nor can it with any Sense be so thought, as has been shewn above. And as for King *James*, his Words are these; As for the Oath of *Supremacy*, the *Intention of the CONTINUATION of it*, was to the end to discover who were Roman-Catholicks, and who Protestants. With which words it may very well consist, that since *Catholicks*, some out of Ignorance, others out of interest or bad Principles, had Universally refus'd it, and so, had made themselves liable to discovery, by not taking it; he, like a wise and politick Prince, made use of their Refusing him that just Duty, by continuing the said Oath, so to discover them, without any necessity, that he should either impose a new Sense on it, or dec're, that the Original Sense was indeed opposit to *Catholick Faith*, or a Signe really distinguishing them from *Protestants* by any Act or Intention of the State; but only by their own private Opinion, that the Oath clash't with their Faith.

6. A Fourth Objection is grounded upon this, That *Q. Elizabeth*, who made the Oath, made several Laws to destroy the *Romish Faith*, by hindering any Priest by Authority of the See of *Rome*, to Preach it here, and so to abolish his Pastoral Authority; which seems to argue, that in her Oath she also deny'd it; and upon this, that *Protestants*, who endeavour to have the same Faith destroy'd, may now give this Oath a New Sense, in order to bring about that end; and in this Sense, which we cannot deny, offer it us now. But I deny the
Con-

Consequence; because, 'tis most likely, that she deny'd nothing by this Oath, but what is deny'd by it as understood in the Sense of the before mention'd Acts, and her Admonition; which last assures us, that who ever takes it in that Sense, shall be esteem'd her good and obedient Subjects, and freed from all the Penalties of that Act; which is all we need aim at. And all She aim'd at by the Oath, was (as we have seen) to know, who were to be esteem'd her good and obedient Subjects: And not to destroy by it, that Article of our Faith, equally consistent with Allegiance, as the rest; which it is certain, she did not intend to destroy, by that Oath; though by other Means, she might then, or rather afterwards, (for it was long after that, she made those severe Laws against the *Catholick* Faith) intend to destroy, not only that, but also all other Articles of our Faith, which were opposit to hers; that so she might make the State-Religion encrease, and not that she might know who were her good Subjects: Moreover, 'tis unlikely, that she should give an Oath, which she explicated in any other Sense, than that in which she explicated it by Law; since the giving it in that other Sense, could proceed from no other Design, than of having that other Sense deny'd by the Taker; which he could not, in our Supposition deny, because he knew nothing of it. And hence, my Opinion is, that her only Design, was not to have any Tenet of *Catholick* Religion, Doctrine, or Perswasion deny'd; but to know, who would be True to her, against the *Pope*, King of *Spain*, and Queen of *Scotland*. Moreover, 'tis evident, that Information given of a Horrid Treason, caus'd our good King to enjoin its being taken now.

7. But though it be supposed, that we are out in these Speculations, and that the Queen afterwards had a design,

design, to make some Tenet of Catholick Religion be deny'd by it, (and the same be said at present) yet she us'd an Instrument, that was inefficacious, to bring about that Effect; except a Sense opposit to Catholick Religion or Doctrine, had been so put into it, that a Catholick might have been obliged to take it in that Sense: For, if he be still at Liberty to take it only in a True Sense, and doth this, he denies not his Religion. Now, that a Catholick was and is still at Liberty to take it only in that true Sense given it by Law, is evident; because, if he will take it in that, and will not take it in any other, he is freed from all Penalties that may force him to take it. Add, that the Queen's Admonition, being allow'd by a Statute-Law, made in the Fifth of her Reign; the Allowance to take it in that Sense, cannot Legally be deny'd any.

8. A Fifth Objection arises from our swearing to defend all Jurisdictions, &c. annexed to the Crown; among which is the Power to execute Laws, made against what we hold to be Christ's Doctrine: And who can speak or fight in defence of such a Power? But that part we may well swear: For, 'tis no more than to swear she had all Regal Power; and among the rest, a Legal Power, inherent in her as Queen, to execute those Laws; which, being a Truth, we may defend, without holding it reasonable for her to use or exercise it: As we truly say, a Man hath Power or Ability, to do both Reasonable and Unreasonable Things; but deny, that he hath reason, or a reasonable power to do these latter, and we only swear to defend that she hath a Power or Ability given her by Law, to destroy what is by us, not by them, esteem'd Christian Faith or certain Truth. Or it may be said that they never intended to give the King a Power to destroy Christ's true Faith or any Truth: not
confe-

consequently to destroy our perswasion of the *Pope's* purely Spiritual Authority in *England*, and other Dominions given by Christ; Or that they gave him a Power to destroy ours, only in supposition of no such Authority in the *Pope*; which supposition being false, they gave no Power to destroy our belief of it: and hence we swear not that the King hath such a Power.

9. A sixth is, because most think that Sir *Thomas Moor* and Bishop *Fisher* (who were such knowing and good Men, that it would be very hard to imagin they either misunderstood or acted amiss) died for not taking this Oath: And all know that our *Catholick* predecessors from the time it was made till our times, constantly refus'd it, which they would not have done, in case they had not thought it deny'd either some Article of their Faith, or at least, some *Theological* or otherwise certain Truth. At least, the First of those, who liv'd and talk'd with those that made this Oath, had better Opportunities to know the sense of it than we: and so we have more reason to stand to their Judgments than our own. As to the First part, 'tis certain that Sir *Thomas Moor* and Bishop *Fisher*, died long before our Oath was made; to wit, in King *Henry* the 8th days: when as ours was not made till the first of Queen *Elizabeth*, and so could not die for refusing what was not made till after they were dead. Nay, they were both dead before either of the two Oaths of Supremacy, made in the days of King *Henry* the 8th, were enacted. What then they truly died for, was for speaking (as it was pretended at least) against King *Henry* the 8th's being Head of the Church, which is quite different from being Governour of the Realm; or at least, more apt to bear a false sence; and they had reason to fear the King meant to assume by those words, an undue Power, because he would not be contented with the fair play of the Explication *quantum per Legem, Dei licet*,
added

added in the Convocation, by Bishop *Fisher's* means ; who, that explication being added, concurred to the Title of Head of the Church with the rest ; the equivalent whereof we have to ours, and that by Act of Parliament. But Queen *Elizabeth*, disliking what they disliked, made it Law that the Act that gave her Father that Title should remain repealed, and left those Words *Head of the Church*, out of the Oath ; and so our case is neither the same, nor like theirs. Besides, it is not clear that either of them did dye for refusing to acknowledge *Henry* the 8^{th's} very Headship attributed to him by an Act of Parliament, made indeed before their Death, but during their Imprisonment. For 'tis certain they were both Imprison'd on that very day, wherein *Elizabeth Barton*, called the Holy Maid of *Kent*, was Executed : and that the cause of their Imprisonment was, for refusing then the Oath lately before enacted for acknowledging the King's Marriage with Queen *Ann* lawful, and her Issue, the Princess *Elizabeth* then born, lawfully begotten, or true Heir of the Crown, (vid. *Sanderum dep. Schif. Anglicano. l. 1. p. 86. edit. Ingolstadt.*) Moreover, it is known, that very great Saints dy'd in material Errors. And that such Errors did not prejudice their Sanctity, nor Martyrdom either. Witness *S. Cyprian* of *Affrick*, &c.

10. As to the Second, I confess, those who liv'd in the Parliament's Dayes, which enacted the Oath, might have understood the Sense of the Oath, as well, or better than I : For, who am I that I should pretend to have as good or better Understanding, than any of them had ? Next, I say, that the first of them, at least, had something a better Opportunity, by discoursing with that Part of the Parliament that worded the Oath and Act ; which perhaps, only knew the Meaning of both, better than other Folks. Yet, whether they, or at least, more

than a few of them, went this way to work, is not a thing that we have any knowledg of; and, if they did not use this Means, we are upon equal Terms with them, or rather better. For, we have the Oath, and all Statutes concerning it, as well as they had: And, besides this, have several Treatises writ on both sides, which they had not. But, as many have better Judgments, and better Opportunities to understand Divinity, Philosophy, or Law, than others, and yet fall short of Understanding so well as they, either by not looking at all, looking slightly, the wrong way, or not hap'ning to think of so good Reasons as others do: so, it may happen in our Case, as well as it hap'ned in the Case of the Oath of Allegiance; which, neither as to the Sense of the Words, nor the Truth of that Sense, seem'd to be nigh so well understood formerly, by those that liv'd with its Makers, as by us that live now. Nay, some fancy'd no less than Three Heresies in it, which Ghosts have since disappeared; and more than one is not now so much as pretended to be in that Oath: And the Excellent Answer of the Three Treatises of the *Jesuits*, writ against that Oath, shews plainly, there is neither Heresie nor Error in it, but honest and just Duty to our Sovereign.

II. This being so, the Question ought to be, Whether of us do actually see best into this Matter? And since neither We nor They could see into it, but by the Reasons brought on both sides, those of us must be judg'd to see best into the Sense of the Words, who bring the best Reasons. Now, those I have here brought for the *Pope's* Pastoral, or purely Spiritual Power of the Keys not being excluded, shew to me far better than any I find them bring, to prove the contrary: And it is most likely, they brought the best Reasons they had, as they use

use to do in other Matters. But, though they had better than they did produce, and also better than these I have produc'd, yet, since I know not that they had them, and also think it most likely they had them not, it is all one to me; who being able to consider Reasons on both sides, may act according to the best Reason I can get; it being unreasonable for a Man that can judge of Reason, to be guided by other Men's Judgments farther than they *have*, or, which is all one, *produce* Reason: The Supposal of which in them, shewing them the way, is the only Reason why others should be guided by them: For, why should one be guided by another, that knows the way no better than he, and in our Case worse? Moreover, the adhering to Predecessors Opinions, what ever Reason there be against them, is a certain way for the World; never to get out of any Error, unless our Fore-Fathers be suppos'd to be alwayes Infallible; the Contrary to which, frequent Experience has shewn. So that, this Argument of blindly following our Fore-Fathers in Things subject to Reason, which seem'd so Plausible at first, will be found, when well look't into, of a most pernicious Consequence.

12. Neither is the leaving of their *Judgment* in this particular, the leaving of their Faith. For, unless we will wrong them, by making them hold for Faith what was not Faith, they could hold nothing of Faith but what was taught, or rather in this case given, by Christ. And so much we hold as well as they, and conceive the Oath does not at all touch it. In this indeed we may differ from them, who might think it does. But, whether such words mean so or so, is far from a question of Faith. 'Tis at most a difference in Opinion about the meaning of a Law, such a difference as every body has almost with

every body, and which, if it were not unblamable, there would be no living without blame in the world, where there always has and always will be, as many Opinions as heads. If we be in the right, as the reasons alledged perswade us we are, nothing can be more preposterously alledged against us then their Example. For, they followed the dictates of their Conscience, and we should go against ours? They had indeed renounc't their Faith if they had taken the Oath in Case they were perswaded, though untruly, that it did deny their Faith; we cannot renounce Faith by taking the Oath while we are perswaded it meddles not with Faith; no, though our perswasion should happen to be false; but we should plainly refuse to do our duty, which we think the Oath only requires. In short, they did well and we should do ill.

13. But perchance they and we may not differ even in this Opinion. For it doth not follow, They deny'd the Oath, therefore they thought the Oath denyed Faith. For they might think the Oath deny'd some other truth or Probability, which they thought they could not, and so would not forswear. For Example, they might think it true or probable, that the Queen was not Temporal Governour in Spiritual or mixt Causes, and over Ecclesiastical Persons; because they might think it true, or probable, that these Causes and Persons were exempted, *Jure Divino*, from Secular Jurisdiction, and did belong to the Pope, as many do at this Day; and others might think, the Pope had a direct or indirect Temporal Power to depose the King, either by Divine Right of *Quodcumque ligaveris*, &c. or by the Title of King John's Donation, &c. And hence, could not swear, they thought no such thing. But hence arises

14. A Seventh Scruple, How one may lawfully swear these things are false, which one doth not know to be so? And how can any know them to be so, when he sees great Scholars hold the contrary? For a full Answer to this, I remit the Reader to the *Answer* to the *Jesuits Loyalty*, and the Second Treatise of it. In short, I reply, That of those, who held these Things to be False, some think they certainly knew them to be so; and these certainly may swear they are so. Others hold them to be so; but are Conscious to themselves, that they hold this upon Reasons only more probable, than are brought for the other side; and though these may not lawfully swear they are false, yet they may swear, that they are so in their Judgment or Conscience; because, that they are so in their Judgment, is certainly true. And this is all the Oath doth or can reasonably require of the Generality of those, unto whom it is offer'd; they being able to say and swear, what they hold in these Questions; and not able to say or swear they certainly know what they hold to be true. And this is sufficient for securing Allegiance; since People use not to act contrary to what they hold, though they hold it upon probable Reasons only: On the other side, those that are certainly or probably perswaded they are true, cannot swear they are, so much as in their Judgment or Conscience, false; and so cannot take this Oath. But I judge, they may find Reason enough to alter their Judgment, if they read late Authors upon this Subject, to whom I remit them.

15. And in this case we make a Schism, (as some are pleased to call it, to fright Timorous Consciences which are us'd to abhor the horrible Sin, which that word most commonly signifies) or Division only in Opinion; which is certainly known, and confessed to be in other Cases, law-

lawful. And, I hope, they will not argue, that those who leave their *Opinions*, will also leave their *Faith*; there being no Consequence from one to the other. All the Schools, that is in a manner, all the Teaching Part of the Church, make Schisms daily, and are divided from one another in this Sense; and, which is more, are never likely to leave this kind of Schismatizing, and return to an Union; or rather, 'tis impossible they should. For, how can it be expected, that in Things depending on Opinions, Men's Fancies, Tempers, Education, &c. their Judgment should light to be the same? Neither do we condemn our Pious Ancestors, (as some object) but applaud their Fortitude, who choose rather to die, than to swear a thing which they thought either false or opposite, if not to *Catholick Faith*, at least to Truth. What we condemn, is only their Opinions; and this upon better Reasons against them, than they brought for them. And who can condemn us for this? or look upon us the worse for receding from them upon such Terms, as every good Man is bound to recede from his former self?

16. An Eighth Objection is, That be it how it will, whether former Catholicks, since *Queen Elizabeth's Days*, had reason to do what they did or no, or the Oath in it self contains the King's just Right or no; yet now, the constant taking the Oath by Protestants, and refusing it by Catholicks; and this for so considerable a Tract of Time, is become a Distinctive Signe between Catholicks and Protestants; and so, the Taking it implyes a Renouncing of Faith, which consequently must needs be Scandalous and Unlawful? I answer, Signes are but of two sorts, *Extrinfecal*, which appertain not to the Thing at all, but are meerly Arbitrary; as that of the *Jews* wearing a Yellow Hat at *Rome*: Or else, *Intrinfecal*, which

which are connected with the very Nature of the Thing; And this either as Cause with Effect, as the Whiteness of the Ears of Corn is a Signe of Harvest approaching; or as Effect with Cause, as Smoak is a Signe of Fire: Or, lastly, as one Part seen, is a Signe of the Presence of the Whole, with which 'tis connected. One of these Kinds of Signes, then, the taking this Oath must be, or 'tis none at all. Again, it can be but one of them, they being contradistinguish't to one another. First then, if it be *only* an *Extrinfecal* Signe of being a Protestant, then it must be said, that there is no Harm in it at all, taking it *as in it self*, nor does it at all relate to Faith; which yet is contrary to the Sentiment of all those who oppos'd the Oath hitherto, and the Opinion of former Catholicks, who refus'd to take it: Nay, I much fear, to the Judgment likewise of our present Objecters, however they are pleas'd, that they may make something of this Objection, to lay it aside. Besides, the swearing to a Form of Words which have a meaning under them either true or false, and express some Tenets (either relating or not relating to Faith) is a very odd thing to make an *Extrinfecal* sign of. Meer sounds may serve for *Extrinfecal* marks to distinguish Parrats, but words made to express mens Conceptions, will necessarily reach their Minds, and affect their interior, or have something *Intrinfecal* in them, and so if they judge differently of their meaning, will *distinguish* them *Intrinfecally*, do we all we can. Secondly, to alledge in this Occasion, that the Taking this Oath is any kind of *Intrinfecal* sign, that is either Cause, Effect or a Part of Protestant Religion as distinguish'd from *Catholick*, is as voyd of reason as the other, unless we beg the Question, and suppose it granted to our hands that the Oath contains a fence opposit to *Catholick* Faith; without which

prov'd.

prov'd or admitted, 'tis impossible to pretend, 'tis a sign Intrinsically distinguishing those two parties. Truth is, these Objecters should say that 'tis only an Extrinsical Sign, if the nature of the Thing would permit them; for if it have an Intrinsical Connexion with any Tenet contrary to the Religion of *Catholicks*, it must necessarily be, (even in their own opinion) *malum in se*, and so, the Refusal of it should, as all solid reason requires, be settled upon it's Opposition to what they judge *Catholick* Faith, and not on it's being a bare Sign of Protestant Religion; and this a piteous one too, as never having been constituted such by any Publick Authority, but merely taken up by the ill-grounded Fancies of private men.

17. But, say they, we abstract whether the Oath bear a good or bad sense, and affirm that even taking it in this abstractive State, 'tis a Distinctive Sign. I reply, 'Tis very hard, when one takes an Oath, to abstract whether it have a good or bad Sense; and therefore, I much doubt, it will not pass current in Christianity, that an Oath, which consists of Words that have a Meaning in them, should bear a Consideration which is indifferent to a good or bad Meaning. Besides, I like this Abstraction worse than any part of the Discourse: For, it seems to signify thus much, Let the Words import only a just Duty to my Prince, or how you will; yet, if our Ancestors have refus'd to pay their Allegiance, by taking this Oath when lawfully administered, I will prefer their Example before my own Duty.

18. And, as 'tis impossible, to rank the taking this Oath, under either Head of a Distinctive Sign, so 'tis most evident, it is not held for such. For first, (to omit the Laws and Law-makers, of which enough above) the most Learned Protestant Authors before cited,

ted, who interpret the Oath consistently with our Faith, and as many as read, approve and abet them, (which includes Princes, and the generality of the most Intelligent Men of our Nation) cannot hold it, to argue a Distinction of one Religion from another. Next, the Test propos'd heretofore, to incapacitate *Roman Catholics* from bearing any Offices; which imports a renouncing *Transubstantiation*, and other Points, plainly shews, they did not think the taking this Oath distinguish't them from *Protestants*. Again, which of our Neighbours, seeing those who take the Oaths live in all other Regards like *Catholics*, judges them, *ipso facto*, upon the taking them, to become *Protestants*? Not one. It remains then, that only our selves fancy to our selves, 'tis a Distinctive Signe, and cry it up for such, and are only seconded by some few others, who hear how fiercely our weaker Brethren inveigh against those who take it, as Hereticks. And such Distinctive Signes as these, we should have had good store, had it not pleas'd God to raise from time to time, some few good Men, who lov'd Truth so well, as to dare to be Honest. Had it not been for *Widdrington*, and one or two more, the *Oath of Allegiance* would shortly have got to be a *Distinctive Signe* too, and the *Deposing Power* an eminent One. No fewer than three Heresies were said to be in that Oath; and certainly, that which contains three Heresies, deserves with far better Right to be made a Distinctive Signe, than the Oath of Supremacy, which was thought to contain but One at most. Now, the Pretence of such Distinctive Signes as these, is so far from deterring Ingenuous Men from writing against it, that it rather induces an obligation in them to oppose with Reason, the loud insignificant Noise, which stuns so many: The Honour of our *Catholic* Faith, and the Duty to our Prince and State, be-

ing both concern'd, that such ill grounded Pretences do not get Head. And as for the Scandal, which they will needs take when none grow it, and raise by their Nolse, when by using calm Reason they might settle it, we refer them to St. Bernard, who tells them; *Melius est ut scandalum oritur quam ut veritas non discuratur*: 'Tis better Scandal should arise, than Truth not to be sold. And to St. Thomas of Aquin, who sayes; *Ob nullum scandalum relinquenda est veritatis defensio*: The Patronage of Truth is not to be left off for any Scandal whatsoever.

19. The last Scruple ariseth from the Consideration of all that hath been hitherto said: For, after all this Dispute, it is not absolutely impossible but that the Oath might have been intended by the Makers of it, to deny the Pope's purely Spiritual Power of the Keys, even in any Case or Contingency in *England*, and other his Majesties Dominions; though we have shewn this to be altogether improbable; and, hence, peradventure, they do actually deny it, who take this Oath. But, I answer, That notwithstanding what Possibility of Truth soever there be in the Antecedent, there is no danger at all of the Consequent: For, I am as certain as that I live, and know my own Thoughts, that I understand the Words in a Sense not opposite either to *Catholick* Faith, or to any Truth whatsoever. Next, I am certain I take the Oath in that Sense only in which I understand it: And hence, I am certain likewise, that I deny not my *Christian* Faith, or any other Truth. Only, I may perchance have some small Doubt, (as I may have of the Words of many Publick Oaths in the World, which are notwithstanding generally held to be lawfully taken) whether the Sense I take them in, be meant by Law. But, however this Matter be, or whether I doubt, or not doubt, in any manner at all, sure I am, I do not swear this doubtful

For thing, to wit, that my Sence of them is given by Law, but only acknowledge upon Oath, that the Sence I have of them is, in or according to my judgment, True.

20. And hence, I am induc'd to believe, if these Reasons should help to effect a general Perswasion, that the Oath means not to exclude the Pope's, or other Foreign Prelate's Pastoral Power in all Contingencies, that then, after such a general Perswasion, the Oath may be lawfully and freely taken. In the mean time, because no tenderness can be too great in such matters, to avoid giving Offence to any, whether of our own or of a different Communion, who, if they understand the Oath otherwise, will be apt to judge according to their own Apprehension, that to take the Oath is to renounce the Religion which the Taker professeth: I conceive it advisable, that who takes it declare plainly before-hand, in what Sence he understands it; viz. that he takes it not in the most large Sence of the Words, which might seem to some to deny his Religion; but only in that Sence, which to the best of his Judgment is assign'd it by Law; or in that Sence in which Learned Protestants, allow'd and approv'd by Publick Authority, have expounded it, and understood it to be the Law-Sence of it; or that he understands the Power meant by the Law to be acknowledg'd in the King, is the Power of the Sword, not of the Keys: Likewise, that the Keys are not deny'd to the Pope, or other Foreign Prelate, but the Sword. Or rather, because the Power of the Keys has been stretch't by some to Temporals, to the disposing even of Kingdoms, and such like Exorbitancies; which have not only been claim'd but practis'd, and the Power to do them all the while call'd the *Power of the Keys*; it were fit to make this Declaration in words not liable to Ex-

ception. For which, I know none more proper, than
 those before mention'd of the Arch Bishop of *Armagh*;
 that the King only has the Supreme, External, Coae-
 tive Jurisdiction, or Power of the Sword, within his
 Dominions, over all Persons, and in all Things or Cau-
 ses; and that no Forreign Prelate either has, or ought
 to have any Part thereof: and that he understands the
 Oath so, and no otherwise, and so takes it. By this
 means he will deal uprightly, and candidly, and un-
 blameably before God and Man, and without any Sha-
 dow of Offence or Scandal, whether to *Protestants* or *Ca-
 tholicks*.

Conclusion.

Conclusion.

HAVING been longer than I intended, I conceive it not amiss to take a short view of what has been said, at parting. The whole in Truth lies in a narrow compass: who refuses the Oath, for what concerns the *Pope*, must either think that his Pastoral Power is deny'd by it; or that what without question is deny'd, *viz*, That External Coercive Judiciary Power, which he has in some other Princes Dominions, and heretofore had here, is so his right, that it can by no Humane Power be taken away. There is no more in the Case. For, as to what relates to the King, I take it, to be very clear.

1. As for the First, the expressions of the Oath are so general, that who looks upon them as they lie there, and judges according to their bare sound, has reason to except against them; so much reason, that were they taken out, and digested into Propositions, to be considered and judged of purely by the import of the Terms, perhaps there is not a Catholick in the World, at least I believe there are but very few, who would approve them. In likelihood our Ancestors, who refus'd the Oath, lookt upon them no otherwise; which I the rather believe, because I see that many, I think the most, go no farther at this day. And then 'tis no wonder that *They* refus'd, and *These* condemn it. All Catholicks generally would refuse and condemn it too, if they lookt upon it in the same manner.

3. But who look upon the same expressions, as part of an Oath contained in an Act; and reflect that the Oath is declared to be for the *better Observation and main-*

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tenance of that Act; and therefore, and in force of the general Rule of understanding words according to the matter spoken of, ought to be understood only of what the Act speaks: That all the Power, of which the Act speaks, is Power repugnant to the Antient Jurisdiction of the Crown; Power both Forreign and Usurped; Power burthensome and intolerably chargeable to the Subject: That this Limitation is not only in the Title, and Preamble, but in the very Branch which abolishes the Popes Power, where the intent is particularly exprest to be, that All usurped and forraign power be forever extinguish'd: That the Popes Pastoral Power, if it may be called Forreign cannot be thought Usurped, by a Christian who reads the Scripture, and sees S. Peter, and in him his Successor, 'empower'd there and commanded by Christ to feed his Sheep: That, where a Law declares it's own intent, 'tis not for others to think it intended more, or otherwise then as it declares: That no more was extinguish't, then was intended to be extinguish't, with what else is said in the foregoing Papers; may find reason to judge, that the Meaning of the Words of the Oath is not altogether so large as their Sound, and that all the Power deny'd there signifies no more than all the Power spoken of in the Act; and, therefore, that Pastoral Power is not renounc't; that which is renounc't being limited by the Act to Oppressive, and Usurped, and to Sovereignty-repugnant Power.

4. Again, who considers that the Oath Actually is understood in this manner by those of greatest note in the Church of England: That Arch-Bishop Bramhall tells us (Schism Guarded p. 311.) That by this Act there is no forreign Power abolished, but only that which is repugnant to the Ancient Laws of England, and to the Prerogative Royal: p. 340: That Jurisdiction purely Spiritual (the same which I call Pastoral) doth neither disinherit the

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pointe nor the Peers, nor destroy and Annul the Laws and Prerogative Royal, nor vex the Kings Liege people, nor impoverish the Subject, nor drain the Kingdom of its Treasures, &c. in fine, is not guilty of any of the grievances of which our Laws complain. It is the external Regiment of the Church by new Roman Laws, &c. that are apparently guilty of all these evils. These Papal Innovations we have taken away indeed — more than these Innovations we have taken nothing away, that I know of: page 353. we have not renounced the Substance of the Papacy, except the substance of the Papacy do consist in coactive Power: who considers besides that these things are not whisper'd in Corners, but own'd in the face of the World; nor the private fancies of a single man, (his Book being lately Reprinted after the Authors Death, with the countenance of more considerable Authority than Books usually have, and the same may be said of the other Protestant Authors above-cited) will find himself put to it, if he be urged, to make out how he comes to pretend to understand the meaning of Protestant Laws, better than Protestants themselves.

5. It may very well be, that a Protestant may be willing to swear, what a Catholick cannot: because one may think true, what the other does not: But, where they both agree in the thing, and what the Protestant means when he swears, the Catholick thinks true as well as he, and yet will not swear the same truth in the same words, looks like a Riddle. If the words *All Power* signify *All Usurped Power* to a Protestant, I see not but they may signify the same to a Catholick too. And, if it be known that he means by them as the Protestant does, 'tis plain, They cannot signify otherwise. For the signification of words is nothing but the known meaning of those who use them. And though they should signify otherwise elsewhere, they can signify no more but so,

So, where 'tis known no more but so is meant by them.

6. This difficulty then, in two words, is only this: Whether *All Power* in the Oath means absolutely All, or *All the Power mention'd and intended by the Act*, for the observation whereof the Oath was made. That General words are ordinarily, I had almost said always, confin'd by Circumstances, is a thing so known, that 'tis impertinent perhaps to mention; at least, to bring examples of it. Whether *Those* words are confin'd in *This* Case, is all we have to consider, and to every mans Judgment and Conscience I leave it. Only who is not satisfy'd with what has been said, has still I conceive, a safe way of proceeding, by declaring beforehand, if he take the Oath, that he takes it in the sense of the Law, as understood by all Protestant Writers, none excepted, particularly Arch-Bishop *Bramhal*; which, as was shown, seems to amount to a Consent of the Nation; After which I for my part see no cause of Scruple remaining for the first Point.

7. For the second, who is perswaded that the Power Renounc'd by the Oath, does indeed belong to the Pope by Divine Right, (For what is settled by Human, may by Human Authority be unsettled) undoubtedly cannot take the Oath. But he should do well to consider, how he comes to be so perswaded. This is no place to treat the Question: I shall only say, that, if any one take that Perswasion for Faith, he is certainly mistaken; and that many of the most Learned among Catholicks are mistaken too, if it be true. It is a Power which heretofore has drawn perpetual complaints from our Catholick Ancestors, and many Laws for Redress of the Inconveniencies they suffer'd by it. It is a Power for whose sake our Religion is at this day aspers'd with the imputation

ration of Inconsistence with the Ease of Subjects, and Security of the Common-wealth. Who will maintain it, engages himself to clear it from these Objections. For, if he do not, he will not clear himself from doing his part to bring his Country again into what the Law calls Bondage, and his Religion into the Scandalous shame of being indeed guilty of what is laid to her Charge. No man can go about it, without maintaining in the first place that our Catholick Ancestors complained always without cause, and felt nothing when they cry'd out of the burthen. If They had reason to complain, Protestants have none to endure what they complained of, nor can Catholicks of all men expect they should.

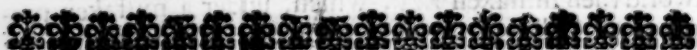
8. In short, there is nothing does more harm in the world then mistaken Zeal, which, under a mistaken pretence of Religion, we see transports Men to things the most contrary to Religion that can be. 'Tis not to be thought that in our Communion there is no Humane Frailty. Opinions have been broacht concerning the Pope, and are to this day maintained, prejudicial, to say no more, both to the Sovereignty of Princes, and Hierarchy of the Church. Whether the Power in question to exercise an independent, Sovereign, Coactive, Judiciary Authority, in all Princes Dominions, and all Bishops Diocesses, upon the matter to govern the Church and World alone, be not of the number, They should do well to consider, who refuse the Oath for it's sake. For if it be, their Zeal is plainly a mistaken Zeal; which, as it uses to do, deceives and carries them just contrary to what they mean, the Scandal, and, to their Power, ruine of Religion, which they think to preserve. For my part I beg of God the grace rather to suffer the loss of my own life, than deny the Pope, or any man any just right; and I beg the same grace to preserve me

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from abetting unjust things even in the Pope. Time has been when England has leen three Hundred Forreigners sent over at once, by the Power in question, to be provided of the first Vacant Benefices. I should think my self neither good English-man, nor good Christian, if I should obstinately stand for a Power to commit such Exorbitancies.



FINIS.

